

1 STATE OF CONNECTICUT  
2 CONNECTICUT SITING COUNCIL

3  
4 Docket No. 488

5 Homeland Towers, LLC and New Cingular  
6 Wireless PCS, LLC d/b/a AT&T application for a  
7 Certificate of Environmental Compatibility and  
8 Public Need for the construction, maintenance, and  
9 operation of a telecommunications facility located  
10 at one of two sites: Kent Tax Assessor ID #M10,  
11 Block 22, Lot 38 Bald Hill Road or 93 Richards  
12 Road, Kent, Connecticut

13  
14  
15 VIA ZOOM AND TELECONFERENCE

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17  
18 Public Hearing held on Thursday, July 23,  
19 2020, beginning at 2 p.m. via remote access.

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

23 ROBERT SILVESTRI, Presiding Officer

24  
25 Reporter: Lisa Warner, CSR #061

1   **A p p e a r a n c e s :**

2  
3   **Council Members:**

4       **ROBERT HANNON**

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

8       **LINDA GULIUZZA**

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

11  
12      **DANIEL P. LYNCH, JR.**

13      **JOHN MORISSETTE**

14      **MICHAEL HARDER**

15      **EDWARD EDELSON**

16  
17   **Council Staff:**

18       **MELANIE BACHMAN, ESQ.**

19       **Executive Director and**  
20       **Staff Attorney**

21  
22       **ROBERT D. MERCIER**

23       **Siting Analyst**

24       **LISA FONTAINE**

25       **Fiscal Administrative Officer**

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

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

5                   **CUDDY & FEDER, LLP**  
6                   **445 Hamilton Avenue, 14th Floor**  
7                   **White Plains, New York 10601**

8                           **BY: LUCIA CHIOCCHIO, ESQ.**  
9                                   **DANIEL PATRICK, ESQ.**

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11           **For Planned Development Alliance of Northwest**  
12           **Connecticut, Inc.:**

13                   **LAW OFFICES OF KEITH R. AINSWORTH, ESQ.**  
14                   **51 Elm Street, Suite 201**  
15                   **New Haven, Connecticut 06510-2049**

16                           **BY: KEITH R. AINSWORTH, ESQ.**

17  
18           **For Bald Hill Road Neighbors:**

19                   **GUION, STEVENS & RYBAK, LLP**  
20                   **93 West Street**  
21                   **P.O. Box 338**  
22                   **Litchfield, Connecticut 06759**

23                           **BY: ANTHONY F. DiPENTIMA, ESQ.**  
24                                   **MICHAEL D. RYBAK, JR., ESQ.**

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

2  
3       **For the Town of Kent:**

4               **CRAMER & ANDERSON, LLP**  
5               **30 Main Street, Suite 204**  
6               **Danbury, Connecticut 06810**

7                       **BY: DANIEL E. CASAGRANDE, ESQ.**

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9               **ROSEMARK LAW, LLC**  
10              **100 Mill Plain Road, Third Floor**  
11              **Danbury, Connecticut 06811**

12                      **BY: DANIEL S. ROSEMARK, ESQ.**

13  
14       **Meeting Host:**

15               **Aaron DeMarest, Pryme Tyme**

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19  
20       **\*\*All participants were present via remote access.**

1 MR. SILVESTRI: Good afternoon,  
2 everyone. This remote public hearing is called to  
3 order this Thursday, July 23, 2020, at 2 p.m. My  
4 name is Robert Silvestri, member and presiding  
5 officer of the Connecticut Siting Council. I'll  
6 ask the other members of the Council to  
7 acknowledge that they are present when introduced  
8 for the benefit of those who are only on audio.

9 Mr. Robert Hannon, designee for  
10 Commissioner Katie Dykes of the Department of  
11 Energy and Environmental Protection.

12 MR. HANNON: I am here.

13 MR. SILVESTRI: Thank you. Ms. Linda  
14 Guliuzza, designee for Chairman Marissa Paslick  
15 Gillett of the Public Utilities Regulatory  
16 Authority.

17 MS. GULIUZZA: I'm present.

18 MR. SILVESTRI: Thank you. Mr. John  
19 Morissette.

20 MR. MORISSETTE: Present.

21 MR. SILVESTRI: Thank you. Mr. Michael  
22 Harder.

23 MR. HARDER: Present.

24 MR. SILVESTRI: Thank you. Mr. Edward  
25 Edelson.

1 MR. EDELSON: Present.

2 MR. SILVESTRI: Thank you. And  
3 Mr. Daniel P. Lynch, Jr.

4 (No response.)

5 MR. SILVESTRI: Mr. Lynch?

6 (No response.)

7 MR. SILVESTRI: I did see Mr. Lynch  
8 before. He might be having audio issues, so we'll  
9 continue because we do have a quorum.

10 Members of the staff are Ms. Melanie  
11 Bachman, executive director and staff attorney.

12 MS. BACHMAN: Present. Thank you.

13 MR. SILVESTRI: Thank you. Mr. Robert  
14 Mercier, our siting analyst.

15 (No response.)

16 MR. SILVESTRI: Mr. Mercier?

17 (No response.)

18 MR. SILVESTRI: I'll come back to Mr.  
19 Mercier also. He might be having audio issues.

20 And Ms. Lisa Fontaine, our fiscal  
21 administrative officer.

22 MS. FONTAINE: Present.

23 MR. SILVESTRI: Thank you. Before I  
24 continue, Mr. Mercier, were you able to connect?

25 MR. MERCIER: Yes, present.

1 MR. SILVESTRI: Thank you. Please note  
2 there is currently a statewide effort to prevent  
3 the spread of Coronavirus. This is why the  
4 Council is holding this remote public hearing, and  
5 we ask for your patience. If you haven't done so  
6 already, I ask that everyone please mute their  
7 computer audio and/or telephone at this time.

8 This hearing is held pursuant to the  
9 provisions of Title 16 of the Connecticut General  
10 Statutes and of the Uniform Administrative  
11 Procedure Act upon an application from Homeland  
12 Towers, LLC and New Cingular Wireless PCS, LLC  
13 doing business as AT&T for a Certificate of  
14 Environmental Compatibility and Public Need for  
15 the construction, maintenance and operation of a  
16 telecommunications facility located at one of two  
17 sites: Lot 38 Bald Hill Road or 93 Richards Road  
18 in Kent, Connecticut. This application was  
19 received by the Council on February 28, 2020.

20 The Council's legal notice of the date  
21 and time of this remote public hearing was  
22 published in the Republican American on June 11,  
23 2020. Upon this Council's request, the applicants  
24 erected signs at the proposed sites so as to  
25 inform the public of the name of the applicants,

1 the type of facility, the remote public hearing  
2 date, and contact information for the Council.

3 As a reminder to all, off-the-record  
4 communication with a member of the Council or a  
5 member of the Council staff upon the merits of  
6 this application is prohibited by law.

7 The parties and intervenors to the  
8 proceedings are as follows: The applicants,  
9 Homeland Towers, LLC and New Cingular Wireless  
10 PCS, LLC, its representative Lucia Chiocchio,  
11 Esquire and Daniel Patrick, Esquire from Cuddy &  
12 Feder, LLP.

13 Intervenor, CEPA intervenor, Planned  
14 Development Alliance of Northwest Connecticut,  
15 Incorporated, its representative is Keith R.  
16 Ainsworth, Esquire, the Law Offices of Keith R.  
17 Ainsworth.

18 Grouped party and CEPA intervenor, Bald  
19 Hill Road Neighbors, its representative Anthony F.  
20 DiPentima, Esquire and Michael D. Rybak, Jr.,  
21 Esquire from Guion, Stevens & Rybak, LLP.

22 And party and CEPA intervenor the Town  
23 of Kent, its representative Daniel E. Casagrande,  
24 Esquire from Cramer & Anderson, LLP; and Daniel S.  
25 Rosemark, Esquire from Rosemark Law, LLC.



1           We will proceed in accordance with the  
2 prepared agenda, a copy of which is available on  
3 the Council's Docket No. 488 web page, along with  
4 the record of this matter, the public hearing  
5 notice, instructions for public access to this  
6 remote public hearing, and the Council's Citizens  
7 Guide to Siting Council Procedures.

8           Interested persons may join any session  
9 of this public hearing to listen, but no public  
10 comments will be received during the 2 p.m.  
11 evidentiary session. At the end of the  
12 evidentiary session we will recess until 6:30 for  
13 the public comment session. Please be advised  
14 that any person may be removed from the remote  
15 evidentiary session or public comment session at  
16 the discretion of the Council.

17           The 6:30 p.m. public comment session is  
18 reserved for the public to make brief statements  
19 into the record. And I wish to note that  
20 applicants, parties and intervenors, including  
21 their representatives, witnesses and members, are  
22 not allowed to participate in the public comment  
23 session. I also wish to note for those who are  
24 listening and for the benefit of your friends and  
25 neighbors who are unable to join us for the remote

1 public comment session that you or they may send  
2 written comments to the Council within 30 days of  
3 the date hereof either by mail or by email, and  
4 such written statements will be given the same  
5 weight as if spoken during the remote public  
6 comment session.

7 A verbatim transcript of this remote  
8 public hearing will be posted on the Council's  
9 Docket No. 488 web page and deposited with the  
10 Kent Town Clerk's office for the convenience of  
11 the public.

12 And somewhere around 3:30 p.m. we'll  
13 take a short 10 to 15 minute break or wherever we  
14 can find a convenient juncture.

15 There are a number of motions that are  
16 before the Council at this time that will be  
17 addressed also at this time.

18 Item No. 1 under motions. On July 16,  
19 2020, the applicant submitted a motion for  
20 protective order for the Phase I Environmental  
21 Site Assessment. On July 17, 2020, Bald Hill Road  
22 Neighbors submitted an objection to the  
23 applicants' motion for the protective order and a  
24 motion to compel. And Attorney Bachman may wish  
25 to comment.

1 MS. BACHMAN: Thank you, Mr. Silvestri.  
2 On April 27th the Bald Hill Road Neighbors  
3 submitted a motion for site preservation, and it  
4 precludes spoliation of evidence on Site A. At a  
5 regular meeting held on May 21st, the Council  
6 denied Bald Hill Road Neighbors' motion with a  
7 condition that the applicants submit the full  
8 Phase I with or without a motion for a protective  
9 order and have a witness available for  
10 cross-examination on the full Phase I.

11 On July 16th the applicant did submit a  
12 motion for protective order in accordance with the  
13 Council's decision on that motion and the  
14 Council's procedures for filing a motion for  
15 protective order. Also on July 16th the  
16 applicants did submit a password protected  
17 electronic copy of the full Phase I to myself and  
18 to Mr. Mercier for distribution to the parties and  
19 intervenors that sign the nondisclosure agreement  
20 if the motion for protective order is granted by  
21 the Council.

22 On July 17th Bald Hill Road Neighbors  
23 filed an objection to the applicants' motion and  
24 moved to compel the immediate release of the full  
25 Phase I, stating the Council's order is ambiguous.

1 Bald Hill Road Neighbors argues it is impossible  
2 for the parties and intervenors to cross-examine  
3 any witness without access to the full Phase I,  
4 and that refusal to release the full Phase I to  
5 parties and intervenors would violate due process.

6 Staff therefore recommends that the  
7 motion for protective order be granted, and that  
8 in the event that parties and intervenors have  
9 cross-examination on the protected material, that  
10 the Council will hold a closed evidentiary  
11 hearing, a session specifically limited to the  
12 Phase I that we have scheduled for September 3rd.

13 MR. SILVESTRI: Thank you, Attorney  
14 Bachman.

15 Is there a motion from the Council  
16 members?

17 MR. EDELSON: This is Ed Edelson. I'll  
18 make a motion to move on what Attorney Bachman  
19 just put forward. I'm not sure I could summarize  
20 it off the cuff.

21 MR. SILVESTRI: If I could paraphrase,  
22 you'd be looking for a motion to approve the  
23 protective order for the Phase I environmental  
24 assessment; would that be correct?

25 MR. EDELSON: That would be. Thank

1 you.

2 MR. SILVESTRI: As well as the second  
3 part to what Attorney Bachman said about the  
4 possibility, if needed, of having a closed-door  
5 discussion.

6 MR. EDELSON: Yes.

7 MR. SILVESTRI: Thank you, Mr. Edelson.  
8 Is there a second to that motion?

9 MR. HANNON: Robert Hannon. I'll  
10 second.

11 MR. SILVESTRI: Thank you, Mr. Hannon.  
12 We do have a motion and a second. I will now ask  
13 Council members one by one if there is any  
14 discussion. And I'm doing so to avoid any  
15 communication problems for more than one person  
16 speaking at the same time. So I'll start with  
17 Mr. Morissette. Do you have any discussion?

18 MR. MORISSETTE: No discussions. Thank  
19 you.

20 MR. SILVESTRI: Thank you, Mr.  
21 Morissette.

22 Mr. Edelson, do you have any  
23 discussion?

24 MR. EDELSON: None. Thank you.

25 MR. SILVESTRI: Thank you. Ms.

1 Guliuzza, any discussion?

2 MS. GULIUZZA: No, no discussion.

3 Thank you.

4 MR. SILVESTRI: Thank you. Mr. Hannon,  
5 any discussion?

6 MR. HANNON: No discussion. Thank you.

7 MR. SILVESTRI: Thank you. Mr. Harder,  
8 any discussion?

9 MR. HARDER: Yes, just a question,  
10 actually. I actually wanted to ask Attorney  
11 Bachman if she could reiterate what the purpose, I  
12 guess, and nature of the September 3rd hearing  
13 would be. Again, I understand just limited to the  
14 Phase I, but if she could just explain that again,  
15 I'd appreciate it.

16 MR. SILVESTRI: Attorney Bachman.

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

18 Mr. Harder, we did something very  
19 similar in the Killingly Energy Center matter  
20 where there was some sensitive economic  
21 information that was subject to a protective  
22 order. And in order to allow the parties that  
23 signed a nondisclosure agreement pursuant to that  
24 protective order, to allow them to have the  
25 opportunity to cross-examine, we held a closed

1 proceeding where only the signatories to the  
2 nondisclosure agreement and the Council and its  
3 staff were in the room. With a Zoom hearing it  
4 may seem like it's more difficult, but we can  
5 actually lock the meeting and control who comes in  
6 and who doesn't.

7 MR. HARDER: Has that nondisclosure  
8 agreement process been initiated, I mean, has  
9 anyone signed an agreement yet at this point?

10 MS. BACHMAN: Unfortunately, Mr.  
11 Harder, no one can sign the agreement until the  
12 Council either approves or denies the motion for  
13 the protective order.

14 MR. HARDER: All right. Thank you. No  
15 other comments.

16 MR. SILVESTRI: Thank you, Mr. Harder.  
17 And we'll see if Mr. Lynch has joined  
18 us, and if he has any discussion.

19 (No response)

20 MR. SILVESTRI: And Mr. Lynch might  
21 still be having some audio issues.

22 Any further discussion by -- go ahead.  
23 Mr. Lynch, I did hear you.

24 MR. LYNCH: There's no discussion.

25 MR. SILVESTRI: Thank you, Mr. Lynch.

1                   Any further discussion by any of the  
2 Council members before we move to a vote?

3                   (No response.)

4                   MR. SILVESTRI:   Hearing none, Mr.  
5 Morissette and Council members, we do have a  
6 motion and a second, as mentioned.  Mr.  
7 Morissette, how do you vote?

8                   MR. MORISSETTE:  I vote to approve.

9                   MR. SILVESTRI:  Thank you.  Mr.  
10 Edelson.

11                   MR. EDELSON:  Vote to approve.

12                   MR. SILVESTRI:  Thank you.  Ms.  
13 Guliuzza.

14                   MS. GULIUZZA:  Vote to approve.

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

16                   MR. HANNON:  Vote to approve.

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

18                   MR. HARDER:  Approve.

19                   MR. SILVESTRI:  Thank you.  And Mr.  
20 Lynch.

21                   MR. LYNCH:  If you can still hear me,  
22 vote to approve.

23                   MR. SILVESTRI:  I could still hear you,  
24 Mr. Lynch.  Thank you.  I'll add my vote for  
25 approval to make that unanimous.  Thank you, all.



1           We'll move on to Item No. 2 on the  
2 motions. On July 16, 2020 Spectacle Ridge  
3 Association, Inc. submitted a request for  
4 intervenor and CEPA intervenor status. And  
5 Attorney Bachman may wish to comment.

6           MS. BACHMAN: Thank you, Mr. Silvestri.  
7 On July 16, SRA requested intervenor and CEPA  
8 intervenor status. Staff recommends approval of  
9 the request in grouping SRA with PDA under  
10 Connecticut General Statute Section 16-50n(c) on  
11 the basis that they have the same interests and  
12 are both represented by Attorney Ainsworth.

13           MR. SILVESTRI: Thank you, Attorney  
14 Bachman.

15           Is there a motion from the Council  
16 members?

17           MR. MORISSETTE: Move to approve.  
18 Morissette.

19           MR. SILVESTRI: Thank you, Mr.  
20 Morissette. Is there a second?

21           MR. LYNCH: So moved. Mr. Lynch.

22           MR. SILVESTRI: Thank you, Mr. Lynch.  
23 We do have a motion and a second for approval.

24           I'll again go one by one for Council  
25 members for discussion purposes. Starting with

1 Mr. Morissette, any discussion?

2 MR. MORISSETTE: No discussion. Thank  
3 you.

4 MR. SILVESTRI: Thank you. Mr.  
5 Edelson, any discussion?

6 MR. EDELSON: No discussion. Thank  
7 you.

8 MR. SILVESTRI: Thank you. Ms.  
9 Guliuzza, any discussion?

10 MS. GULIUZZA: No discussion. Thank  
11 you.

12 MR. SILVESTRI: Thank you also. Mr.  
13 Hannon, any discussion?

14 MR. HANNON: No discussion. Thank you.

15 MR. SILVESTRI: Thank you. Mr. Harder,  
16 any discussion?

17 MR. HARDER: No discussion.

18 MR. SILVESTRI: Thank you. And Mr.  
19 Lynch, any discussion?

20 MR. LYNCH: Negative.

21 MR. SILVESTRI: Thank you also. Again,  
22 with no discussion, we do have a motion and second  
23 for approval for voting purposes. Mr. Morissette,  
24 how do you vote?

25 MR. MORISSETTE: Approve.

1 MR. SILVESTRI: Thank you. Mr.  
2 Edelson.

3 MR. EDELSON: Approved.

4 MR. SILVESTRI: Thank you. Ms.  
5 Guliuzza.

6 MS. GULIUZZA: Approve.

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

8 MR. HANNON: Approve.

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

10 MR. HARDER: Approve.

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

12 MR. LYNCH: Approved.

13 MR. SILVESTRI: Thank you. I will add  
14 my vote for approval as well making that  
15 unanimous. Thank you.

16 Moving to Item No. 3 on our motions, on  
17 July 16, 2020 the South Spectacle Lakeside  
18 Residents submitted their request for intervenor  
19 and CEPA intervenor status. And Attorney Bachman  
20 may wish to comment.

21 MS. BACHMAN: Thank you, Mr. Silvestri.  
22 On July 16th Lakeside requested intervenor and  
23 CEPA intervenor status, and staff recommends  
24 approval of the request and grouping Lakeside with  
25 PDA and SRA under Connecticut General Statute

1 Section 16-50n(c) on the basis that they all have  
2 the same interests and are all represented by  
3 Attorney Ainsworth.

4 MR. SILVESTRI: Thank you, Attorney  
5 Bachman.

6 Is there a motion from Council members?

7 MR. HARDER: Mike Harder. Move  
8 approval.

9 MR. SILVESTRI: Thank you, Mr. Harder.  
10 Is there a second?

11 MR. LYNCH: Dan Lynch. Second.

12 MR. SILVESTRI: Thank you, Mr. Lynch.  
13 Again, we have a motion and a second.  
14 Again, going one by one for discussion purposes  
15 with Council members. I will start with Mr.  
16 Morissette, any discussion?

17 MR. MORISSETTE: No comments. Thank  
18 you.

19 MR. SILVESTRI: Thank you. Mr.  
20 Edelson, any discussion?

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

23 MR. SILVESTRI: Thank you also. Ms.  
24 Guliuzza, any discussion?

25 MS. GULIUZZA: No discussion. Thank

1 you.

2 MR. SILVESTRI: Thank you. Mr. Hannon,  
3 any discussion?

4 MR. HANNON: No discussion. Thank you.

5 MR. SILVESTRI: Thank you also. Mr.  
6 Harder, any discussion?

7 MR. HARDER: No comments. Thank you.

8 MR. SILVESTRI: Thank you. And Mr.  
9 Lynch, any discussion?

10 MR. LYNCH: Negative.

11 MR. SILVESTRI: Thank you also.

12 Again, we have a motion and a second,  
13 no discussion. I will now call for a vote  
14 starting with Mr. Morissette.

15 MR. MORISSETTE: Approve the motion.

16 MR. SILVESTRI: Thank you. Mr.  
17 Edelson.

18 MR. EDELSON: Approve. Thank you.

19 MR. SILVESTRI: Thank you. Ms.  
20 Guliuzza.

21 MS. GULIUZZA: Approve.

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

23 MR. HANNON: Approve.

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

25 MR. HARDER: Approve.

1 MR. SILVESTRI: Thank you. Mr. Lynch.

2 MR. LYNCH: Approved.

3 MR. SILVESTRI: Thank you. And I'll  
4 also add my vote for approval making that  
5 unanimous as well. Thank you.

6 Moving to Item No. 4 under motions. On  
7 July 20, 2020, the applicants submitted a motion  
8 to strike R. Bruce Hunter, MAI's prefiled  
9 testimony submitted by intervenor Bald Hill Road  
10 Neighbors. On July 21, 2020, Bald Hill Road  
11 Neighbors submitted an application to the  
12 applicants' motion to strike testimony -- excuse  
13 me, submitted an objection to the applicants'  
14 motion to strike testimony. And Attorney Bachman  
15 may wish to comment.

16 MS. BACHMAN: Thank you, Mr. Silvestri.  
17 On July 20th the applicants submitted a motion to  
18 strike the prefiled testimony of R. Bruce Hunter  
19 on the basis that the Council's evaluation of an  
20 application under the Public Utility Environmental  
21 Standards Act does not include the consideration  
22 of property values.

23 On July 21st BHRN submitted an  
24 objection to the applicants' motion to strike on  
25 the basis that property values are indirectly

1 taken into account in connection with the  
2 evaluation of an application under the Public  
3 Utility Environmental Standards Act and that  
4 Mr. Hunter will be available for cross-examination  
5 on that prefiled testimony not only by the  
6 applicant but also by the Council and the other  
7 parties. Therefore, staff recommends the motion  
8 to strike be denied and the prefile testimony,  
9 when Mr. Hunter is able to verify its contents, be  
10 entered into the record. Thank you.

11 MR. SILVESTRI: Thank you, Attorney  
12 Bachman.

13 Is there a motion from the Council  
14 members?

15 MR. HANNON: Hannon. I move to deny.

16 MR. SILVESTRI: Thank you, Mr. Hannon.

17 MR. HANNON: So I approve the motion.

18 MR. SILVESTRI: I'm sorry. Mr. Hannon,  
19 you submitted a motion?

20 MR. HANNON: To deny.

21 MR. SILVESTRI: Thank you. Is there a  
22 second?

23 MS. GULIUZZA: Linda Guliuzza. I'll  
24 second the denial.

25 MR. SILVESTRI: Thank you. Again, we

1 have a motion and a second for the denial of the  
2 motion to strike. Do Council members have any  
3 discussion? And I'll start one by one with Mr.  
4 Morissette.

5 MR. MORISSETTE: No discussion. Thank  
6 you.

7 MR. SILVESTRI: Thank you. Mr.  
8 Edelson, any discussion?

9 MR. EDELSON: Yes, Mr. Chairman. Could  
10 Attorney Bachman clarify what she meant by, I  
11 think the term was to verify what was submitted.  
12 What is entailed in verifying the content?

13 MR. SILVESTRI: Attorney Bachman.

14 MS. BACHMAN: Thank you, Mr. Silvestri.  
15 Mr. Edelson, we're about to enter into the  
16 verification per the applicants' exhibits right  
17 now where Attorney Chiocchio asks them a series of  
18 questions, asking if they authored their prefile  
19 testimony and portions of the application, and  
20 under oath. So when we get to the appearance of  
21 the Bald Hill Road Neighbors, we will also swear  
22 in Mr. Hunter, and he will go through the same set  
23 of verification questions and then be subject to  
24 cross-examination at that time.

25 MR. EDELSON: Thank you. Very helpful.



1 No further discussion.

2 MR. SILVESTRI: Thank you, Mr. Edelson.  
3 Ms. Guliuzza, any discussion?

4 MS. GULIUZZA: No discussion. Thank  
5 you.

6 MR. SILVESTRI: Thank you. Mr. Hannon,  
7 any discussion?

8 MR. HANNON: No discussion. Thank you.

9 MR. SILVESTRI: Thank you. Mr. Harder,  
10 any discussion?

11 MR. HARDER: Yes. Sorry, another  
12 question, a clarification. The motion is to deny,  
13 correct?

14 MR. SILVESTRI: Deny the motion to  
15 strike.

16 MR. HARDER: And the motion to strike  
17 was to strike the testimony?

18 MR. SILVESTRI: Yeah. The applicants  
19 submitted a motion to strike R. Bruce Hunter's  
20 prefile testimony that was submitted by intervenor  
21 Bald Hill Road Neighbors.

22 MR. HARDER: So we would be denying  
23 that motion thereby allowing his testimony; is  
24 that correct?

25 MR. SILVESTRI: That would be correct,

1 again, subject to cross-examination by Council, by  
2 parties, by intervenors.

3 MR. HARDER: Right, right. Okay.

4 MR. SILVESTRI: And the applicant.

5 MR. HARDER: Okay. Thank you. You're  
6 asking for comments now or a vote?

7 MR. SILVESTRI: Any discussion.

8 MR. HARDER: Okay, no comments. Thank  
9 you.

10 MR. SILVESTRI: Thank you. Mr. Lynch,  
11 any discussion?

12 MR. LYNCH: Just a clarification. The  
13 new testimony will be under oath?

14 MR. SILVESTRI: Yes.

15 MR. LYNCH: Thank you. No further  
16 discussion.

17 MR. SILVESTRI: Thank you, Mr. Lynch.  
18 Again, any further discussion by  
19 Council members before we call for a vote?

20 (No response.)

21 MR. SILVESTRI: Hearing none, I'll go  
22 one by one for Council members. Again, this is on  
23 the subject of the applicants' motion to strike  
24 and our motion and second to deny.

25 Mr. Morissette, how do you vote?

1 MR. MORISSETTE: Move to deny.

2 MR. SILVESTRI: Thank you, Mr.  
3 Morissette. Mr. Edelson.

4 MR. EDELSON: Approve the motion.

5 MR. SILVESTRI: Thank you. Ms.  
6 Guliuzza.

7 MS. GULIUZZA: Approve the denial.

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

9 MR. HANNON: Approve the denial.

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

11 MR. HARDER: Approve the denial.

12 MR. SILVESTRI: Thank you also. Mr.  
13 Lynch.

14 MR. LYNCH: Approve the denial.

15 MR. SILVESTRI: Thank you. And I'll  
16 add my vote also to approve the denial which would  
17 make that also unanimous. Thank you.

18 Moving forward, I wish to call your  
19 attention to those items shown on the hearing  
20 program that are marked as Roman numeral I,  
21 capital C, Items 1 through 76, that the Council  
22 has administratively noticed. Does any party or  
23 intervenor have an objection to the items that the  
24 Council has administratively noticed? And I'll  
25 start with Attorney Chiocchio.

1 MS. CHIOCCHIO: No objection. Thank  
2 you.

3 MR. SILVESTRI: Thank you. Attorney  
4 Ainsworth.

5 MR. AINSWORTH: No objection.

6 MR. SILVESTRI: Thank you. Attorney  
7 DiPentima and Attorney Rybak?

8 MR. RYBAK: No objection.

9 MR. SILVESTRI: Thank you. Attorney  
10 Casagrande and Attorney Rosemark.

11 MR. CASAGRANDE: No objection.

12 MR. ROSEMARK: No objection.

13 MR. SILVESTRI: Thank you also.

14 Accordingly, the Council hereby administratively  
15 notices these items.

16 (Council's Administrative Notice Items  
17 I-C-1 through I-C-76: Received in evidence.)

18 MR. SILVESTRI: Moving forward,  
19 Attorney Chiocchio, will you please present your  
20 witness panel for the purposes of taking the oath.

21 And once presented, Attorney Bachman,  
22 would you administer the oath?

23 MS. CHIOCCHIO: Thank you, Chairman.

24 MR. SILVESTRI: Actually, Presiding  
25 Officer Mr. Silvestri would be fine.

1 MS. CHIOCCHIO: Thank you, Presiding  
2 Officer Silvestri.

3 MR. SILVESTRI: Thank you.

4 MS. CHIOCCHIO: The witnesses include  
5 Raymond Vergati, regional manager, Homeland  
6 Towers. Harry Carey, external affairs, AT&T.  
7 Robert Burns, professional engineer and project  
8 manager, All-Points Technology. Michael  
9 Libertine, LEP, director of siting and permitting,  
10 All-Points Technology. Brian Gaudet, project  
11 manager, All-Points Technology. Martin Lavin,  
12 radio frequency engineer, C-Squared Systems on  
13 behalf of AT&T. And Dan Stebbins, AT&T FirstNet  
14 Solutions consultant.

15 MR. SILVESTRI: Thank you, Attorney  
16 Chiocchio. I do have a question for you. On the  
17 prehearing submission I also saw a Manuel Vincente  
18 but I didn't hear you mention his name.

19 MS. CHIOCCHIO: Yes. He's not with us  
20 today, but Raymond Vergati from Homeland Towers  
21 is.

22 MR. SILVESTRI: Very good. Thank you.  
23 Attorney Bachman, would you administer  
24 the oath?

25

1 R A Y M O N D V E R G A T I,  
2 H A R R Y C A R E Y,  
3 R O B E R T B U R N S,  
4 M I C H A E L L I B E R T I N E,  
5 B R I A N G A U D E T,  
6 M A R T I N L A V I N,  
7 D A N S T E B B I N S,

8 called as witnesses, being first duly sworn  
9 (remotely) by Attorney Bachman, were examined  
10 and testified on their oaths as follows:

11 THE WITNESSES: I do.

12 MR. SILVESTRI: Thank you. Attorney  
13 Chiocchio, could you please begin by verifying all  
14 exhibits by the appropriate sworn witnesses?

15 DIRECT EXAMINATION

16 MS. CHIOCCHIO: Thank you. So the  
17 applicants' exhibits include those identified in  
18 the hearing program under Roman numeral II-B,  
19 numbers 1 through 10. I'll ask my witnesses a  
20 series of questions and ask them each to answer  
21 each question and identify themselves before they  
22 respond.

23 And I'll start with Ray Vergati. Did  
24 you prepare and assist in the preparation of the  
25 materials as identified?

1 THE WITNESS (Vergati): Ray Vergati,  
2 regional manager, Homeland Towers. I did.

3 MS. CHIOCCHIO: Michael Libertine.

4 THE WITNESS (Libertine): Michael  
5 Libertine. Yes.

6 MS. CHIOCCHIO: Martin Lavin.

7 THE WITNESS (Lavin): Martin Lavin.  
8 Yes.

9 MS. CHIOCCHIO: Brian Gaudet.

10 THE WITNESS (Gaudet): Brian Gaudet.  
11 Yes.

12 MS. CHIOCCHIO: Robert Burns.

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

15 MS. CHIOCCHIO: Harry Carey.

16 THE WITNESS (Carey): Harry Carey.  
17 Yes.

18 MS. CHIOCCHIO: Do you have any updates  
19 or clarifications or corrections to the  
20 information contained in the materials identified?

21 THE WITNESS (Vergati): Ray Vergati. I  
22 do not.

23 THE WITNESS (Libertine): Michael  
24 Libertine. No, I do not.

25 THE WITNESS (Lavin): Martin Lavin.

1 No.

2 THE WITNESS (Gaudet): Brian Gaudet.

3 No.

4 THE WITNESS (Burns): Robert Burns.

5 No.

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

7 MS. CHIOCCHIO: Is the information  
8 contained in the exhibits true and accurate to the  
9 best of your knowledge?

10 THE WITNESS (Vergati): Ray Vergati.

11 Yes, it is.

12 THE WITNESS (Libertine): Mike

13 Libertine. Yes.

14 THE WITNESS (Lavin): Martin Lavin.

15 Yes.

16 THE WITNESS (Gaudet): Brian Gaudet.

17 Yes.

18 THE WITNESS (Burns): Robert Burns.

19 Yes.

20 THE WITNESS (Carey): Harry Carey.

21 Yes.

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

24 THE WITNESS (Vergati): Ray Vergati.

25 Yes.



1 THE WITNESS (Libertine): Mike  
2 Libertine. Yes.

3 THE WITNESS (Lavin): Martin Lavin.  
4 Yes.

5 THE WITNESS (Gaudet): Brian Gaudet.  
6 Yes.

7 THE WITNESS (Burns): Robert Burns.  
8 Yes.

9 THE WITNESS (Carey): Harry Carey.  
10 Yes.

11 MS. CHIOCCHIO: Thank you. We ask that  
12 the Council accept the applicants' exhibits.

13 MR. SILVESTRI: Thank you, Attorney  
14 Chiocchio. You also have two items on your  
15 administrative notice list in the hearing program  
16 under Roman numeral II, capital A, Items 1 and 2.

17 So I would like to ask if any party or  
18 intervenor objects to the admission of the  
19 applicants' exhibits and administratively noticed  
20 items. And I'd like to start with Attorney  
21 Ainsworth.

22 MR. AINSWORTH: No objection, Presiding  
23 Officer.

24 MR. SILVESTRI: Thank you. Attorney  
25 DiPentima and Attorney Rybak.

1 MR. RYBAK: We have no objection.  
2 We're just having a hard time hearing a little  
3 bit. Their volume seems kind of low to us.

4 MR. SILVESTRI: I'm not sure if we  
5 could correct that. We'll make every effort to do  
6 it, but thank you for your comment. I did hear  
7 you. Thank you.

8 And Attorney Casagrande and Attorney  
9 Rosemark.

10 MR. CASAGRANDE: No objection.

11 MR. SILVESTRI: Thank you also. The  
12 exhibits and administratively noticed items are  
13 hereby admitted.

14 (Applicants' Administrative Notice  
15 Items II-A-1 and II-A-2: Received in evidence.)

16 (Applicants' Exhibits II-B-1 through  
17 II-B-10: Received in evidence - described in  
18 index.)

19 MR. SILVESTRI: Moving forward, we will  
20 now begin with cross-examination of the applicants  
21 by the Council starting with Mr. Mercier.

22 CROSS-EXAMINATION

23 MR. MERCIER: Thank you. I want to  
24 look at the site plan for both sites starting off,  
25 and begin with Site A. I just have a basic

1 question regarding the location of the facility.  
2 The site plan does show the site in the southwest  
3 corner of the property pretty close to the south  
4 and west property lines. I'm just trying to  
5 determine why a location was chosen in that area  
6 rather than a more central location which offers  
7 more equal buffers to the adjacent property line?

8 THE WITNESS (Vergati): Ray Vergati,  
9 Homeland Towers. The location that was chosen for  
10 the facility compound, initially our landlord was  
11 John P. Atwood. We had signed a lease with Mr.  
12 Atwood. Mr. Atwood had also owned the residence  
13 just to the south. He wanted the tower  
14 location -- the tower to be located on his  
15 property in this location. Since then,  
16 unfortunately, Mr. Atwood had passed away. We had  
17 designed the site for this location, so that's  
18 where it's been all along.

19 MR. MERCIER: Now, is there any benefit  
20 to putting it in a more central location on the  
21 property?

22 THE WITNESS (Vergati): The property  
23 itself I believe is roughly 2 acres. And we would  
24 not be against putting it centrally located, in  
25 the center of the property. It's a relatively

1 flat property, no wetlands, no terrain issues. If  
2 the site were to be located to the center, we  
3 would have no issues with that.

4 MR. MERCIER: Okay. Thank you. For  
5 Site B, looking at the site plan, I saw a small,  
6 about a 60 foot long new driveway coming off  
7 Richards Road that will eventually intersect with  
8 the existing driveway that heads eastward into the  
9 interior of the property. I'm just trying to  
10 determine why that 60 foot new driveway is  
11 necessary if there is an existing driveway already  
12 coming off Richards Road. Could you please  
13 explain that?

14 THE WITNESS (Vergati): The existing  
15 driveway, as it stands today, actually crosses  
16 onto the neighbor's property, so putting in a new  
17 entrance off of Richards Road directly from  
18 Richards Road to 93 Richards Road would be more --  
19 would be correcting that problem.

20 MR. MERCIER: Okay. Thank you for that  
21 information. I do see that now. Thank you.

22 THE WITNESS (Vergati): You're welcome.

23 MR. MERCIER: I have to go back to Site  
24 A for a moment. I saw on one of the site plans, I  
25 believe it was an aerial image provided in Council

1 Set Two, in any event, it showed evergreens  
2 planted on the eastern and southern sides of the  
3 compound. I'm just wondering if you could  
4 actually install additional plantings on the  
5 western and northern sides of the compound. Would  
6 that help with visibility at all from the abutting  
7 property owners?

8 THE WITNESS (Burns): I think we would  
9 be open to installing more landscaping. The idea  
10 was to install it on the sides that there were  
11 actually residences existing, but certainly  
12 surrounding the compound with trees would not be  
13 an issue.

14 MR. MERCIER: What type of evergreens  
15 might be installed there, do you have any idea?

16 THE WITNESS (Burns): Right now we're  
17 calling out emerald green arborvitaes, but we'd be  
18 open to any type of suggestion that the Siting  
19 Council would like.

20 MR. MERCIER: I'm just looking because  
21 most of the surrounding terrain is heavily wooded,  
22 and I'm wondering if the evergreens would actually  
23 grow sufficiently to provide any type of  
24 screening. On that subject, is it possible to  
25 even install a decorative say 10 foot fence around

1 the perimeter of the compound in addition to  
2 landscaping just to provide additional screening?

3 THE WITNESS (Burns): I think that's  
4 something we could definitely entertain.

5 MR. MERCIER: Okay. Thank you. I have  
6 a few visibility questions. And Mr. Libertine, I  
7 was just wondering how many months of the year can  
8 leaf-off conditions be expected in this part of  
9 the state.

10 THE WITNESS (Libertine): Good  
11 afternoon. Mike Libertine. I think we're talking  
12 between six months and seven months typically in  
13 terms of full leaf-off, probably five and a half  
14 to six months, probably in the six month range,  
15 but those fringe times of year things tend to open  
16 up, so I'd say between six and seven months.

17 MR. MERCIER: I was going to go next to  
18 look at the specific visibility analysis provided  
19 in the application and look at a couple  
20 photographs. Do you have that information in  
21 front of you?

22 THE WITNESS (Libertine): I do. I have  
23 it handy.

24 MR. MERCIER: Thank you. Now,  
25 referring to Site A, I'm going to take a look at a

1 couple photographs, for Site A photograph 10.  
2 This is on Segar Mountain Road.

3 THE WITNESS (Libertine): Give me one  
4 moment, Mr. Mercier, if you would? We're all in  
5 one room and trying to social distance  
6 appropriately and at the same time have everything  
7 at our fingertips. You said number 10?

8 MR. MERCIER: Yes.

9 THE WITNESS (Libertine): Okay, I'm  
10 there.

11 MR. MERCIER: Now, this picture is  
12 marked as seasonal. I'm just trying to determine  
13 if that property beyond these trees would have  
14 year-round views of that tower. Can you give your  
15 opinion on that, please?

16 THE WITNESS (Libertine): Certainly  
17 from the photo location, because of the trees in  
18 the foreground, that would not be visible from the  
19 road once the leaves are on the trees. I think as  
20 you tend to walk into the property a bit and  
21 you're beyond that immediate treeline, it would  
22 not be at the same characterization. That  
23 probably would be a little bit less of a view, but  
24 certainly there would be a view of the tower in  
25 that portion of the yard. It's hard to speak

1 about the backyard, not having seen it, but my  
2 guess is it looks like the wood line comes fairly  
3 close. So I gather that you'd have a pretty good  
4 obstruction. But I think in portions of the yard  
5 certainly there would be visibility.

6 MR. MERCIER: Thank you. Flipping to  
7 number 29.

8 THE WITNESS (Libertine): Yes, sir.

9 MR. MERCIER: It's Richards Road, and  
10 it shows a field with what looks like a house in  
11 the distance. As you get closer to the house,  
12 would there be year-round views around that  
13 residence to your knowledge? I'm not sure if  
14 that's the driveway or a road I'm looking at.

15 THE WITNESS (Libertine): No, that's  
16 actually the road. There would be visibility from  
17 portions of that yard.

18 MR. MERCIER: Then how about the area  
19 around the residence, do you know?

20 THE WITNESS (Libertine): Yes, there  
21 would. We actually, the gentleman who owns that  
22 home and the property itself was kind enough to  
23 let us onto portions of his property, and we were  
24 able to evaluate that. So yes, there would be  
25 views from around the home as well. I'm not sure



1 if the house in the foreground, I don't know for  
2 sure if that's his residence. I think that may be  
3 an outdoor, another building that's used.

4 Certainly it's used and is occupied at times of  
5 the year. But I believe he may own both sides of  
6 the road. I may be wrong about that. But  
7 certainly, to answer your question, yes, there  
8 would be views.

9 MR. MERCIER: Okay. Turning to the  
10 Site B photographs, I have a question on one or  
11 two of them, starting off with number 27.

12 THE WITNESS (Libertine): Okay, I'm  
13 there. Same general area as the last question  
14 looking in the opposite direction.

15 MR. MERCIER: Okay. So the residence  
16 would be just to be left out of view?

17 THE WITNESS (Libertine): That's  
18 correct. The building we saw in the other  
19 photograph looking back towards the west towards  
20 Bald Hill is actually across the street and  
21 probably back over the shoulder of where this  
22 photograph was taken.

23 MR. MERCIER: Thank you. Turning to  
24 number 29.

25 THE WITNESS (Libertine): Yes.

1 MR. MERCIER: The whip antennas that  
2 are proposed, are they located on the top of this  
3 photo simulation, on the top of the tower in the  
4 photo simulation?

5 THE WITNESS (Libertine): Yes, they  
6 are. There are twin shots above the top antenna  
7 array. They're actually intersecting. They kind  
8 of go up into some of those branches of the trees  
9 that more or less frame the tower in that  
10 photograph.

11 MR. MERCIER: So as a general question,  
12 for whip antennas on some of the photographs they  
13 weren't really discernable. I believe that  
14 there's a cluster up here of maybe two or three.  
15 Is there a distance as to where they would not be  
16 discernable? Obviously, the mass of the tower  
17 would be, but the whips themselves, is there a  
18 distance typically where they're not visible?

19 THE WITNESS (Libertine): In general, I  
20 would say once you reach about a third of a mile  
21 away from a facility location, the whip antennas  
22 they're usually in the two-inch diameter range, so  
23 they tend to drop out of -- certainly if you have  
24 20/20 eyesight, you may be able to pick them up at  
25 that distance, but generally in that third of a

1 mile and beyond they tend to start to fade away  
2 into the background and certainly are not as  
3 pronounced as the monopole or the antenna or  
4 commercial antenna arrays.

5 MR. MERCIER: Does that include the  
6 clusters I was just talking about or individually?

7 THE WITNESS (Libertine): Again,  
8 depending upon your angle, I think if there's a  
9 cluster and they're tight together then they may  
10 end up being a little bit more visible at a  
11 distance maybe a little bit beyond that, but  
12 again, a lot of it depends on conditions of the  
13 day, angle of the sun, and kind of specifics of  
14 where you're standing. But I'd say generally with  
15 a cluster maybe it could extend up to a half mile  
16 depending upon the conditions of the day.

17 MR. MERCIER: Now, referring to this  
18 photo but also the site plan for Site B there was  
19 a couple aerial images provided in the  
20 application. There was a nice one that was  
21 provided in the response to Council Set Two  
22 Question 52 that was the photo recon that you did,  
23 and there was a nice photo log showing the actual  
24 parcel boundaries. Is it possible to relocate  
25 this tower more to the south side of the parcel,

1 basically somewhere along the corner area; and if  
2 so, would that actually improve the visibility  
3 from the residence shown in Photograph Number 29  
4 we just talked about on Richards Road?

5 THE WITNESS (Libertine): Bear with us  
6 just a moment. I'd like to confer with  
7 Mr. Vergati in terms of whether it's feasible to  
8 actually relocate the tower.

9 (Pause.)

10 THE WITNESS (Libertine): Thank you for  
11 your patience. I was conferring with Mr. Vergati  
12 because at the time of a few of our site visits I  
13 do remember speaking with the landlord. And I  
14 know that the location was chosen because there  
15 are some restrictions on where we can go. He  
16 would prefer this location because of some  
17 activities on his property. We also have  
18 structures that are there. So is it conceivable  
19 or is it possible to move it? We certainly could.  
20 Technically up in the area of the tower and the  
21 home and the structures on that property it's all  
22 relatively level, so we're talking about not  
23 significant grade changes.

24 So from an overall visibility  
25 standpoint, certainly from the photos that we were

1 just reviewing, I don't think it would make a  
2 whole heck of a lot of difference. So I don't  
3 think we would gain anything from an overall  
4 visibility standpoint if we were able to relocate  
5 that. Again, we'd probably be talking about a  
6 relocation of within 100 feet of where we are  
7 today without running into a conflict with his  
8 structures.

9 MR. MERCIER: Okay. So that includes  
10 the southern area of his property. It looks like  
11 just some woodland over there you could work with,  
12 but looking at your quick scale, it shows maybe a  
13 300 foot change, but I'm not sure how far to the  
14 right, referring to number 29 again, it would be  
15 moved.

16 THE WITNESS (Libertine): So I don't  
17 know what the -- do you know the conditions there,  
18 the topo? Could we take that under advisement and  
19 return to that?

20 MR. MERCIER: Sure.

21 THE WITNESS (Libertine): I would like  
22 to look at the topography. It certainly looks  
23 like there is potentially some room to consider  
24 there, but I would like to see what the topography  
25 is in that area, and I don't want to hold people

1 up. We can certainly circle back to that for you.

2 MR. MERCIER: Sure. Thank you. Okay.  
3 Now referring to Council Interrogatory, Set Two,  
4 Number 44 it mentioned that the Site B visual  
5 assessment photo number 21 was performed with a  
6 drone over South Spectacle Lake. I'm just curious  
7 how high above the water the drone was when this  
8 picture was taken. Again, I believe that's photo  
9 21.

10 THE WITNESS (Libertine): We did bring  
11 a drone out because we did want to assess  
12 visibility over the water. We took several shots.  
13 I'm actually looking for that particular  
14 photograph as we speak. I want to make sure  
15 that -- this photograph was taken approximately 6  
16 to 10 feet above the water, and it was done so  
17 that we could evaluate if you were on the water  
18 either in a kayak or in a canoe to understand what  
19 the views might be.

20 MR. MERCIER: Can you estimate how tall  
21 the tower is above the treeline there? I'm not  
22 sure if you had that in the chart or not.

23 THE WITNESS (Libertine): I would  
24 guesstimate that above the treeline from that  
25 perspective there's probably 60 feet of pole

1 showing.

2 MR. MERCIER: But in general, what's  
3 the forest canopy in the general area of Site A  
4 and Site B? I don't know if you did any analysis  
5 as you drove around taking some pictures.

6 THE WITNESS (Libertine): It varies. I  
7 would say, on average, your tree heights are  
8 anywhere from as low as 50 feet and some may  
9 approach 70 and above. So on average probably in  
10 the 65 foot range.

11 MR. MERCIER: Thank you. Now, for this  
12 photo, I mean, other areas of the lake would have  
13 this similar view, I suppose, right, about 60 feet  
14 above the treeline as people travel around the  
15 lake?

16 THE WITNESS (Libertine): It does vary.  
17 What we found during our analysis, both using the  
18 drone and also doing some computer modeling, is  
19 that as you move around the lake -- and I'm  
20 looking off to my right. I actually have that  
21 analysis that I can refer to -- the views tend to  
22 vary because of the perspective and because of the  
23 ridgeline itself. So in some locations in what  
24 I'll call the north/northeast portion of the lake,  
25 it will be at treeline to maybe 10 feet or so

1 above. As you start to move to the south, things  
2 begin to rise a bit, so it varies again. And this  
3 is on the, I'll call it, the north and west  
4 shoreline area and then moving in towards the  
5 center of South Spectacle Pond. As you move from  
6 north to south to the pond, it starts to go from,  
7 again, 10 feet then starts to move up anywhere  
8 from 10 to 25 feet. Again, moving westward, it  
9 will pop up to 25 to 50 feet and then it starts to  
10 really go up to that, what we're showing is that  
11 50 to almost 75 feet above the trees as you go  
12 into the, again, I guess I'll call it the  
13 southwest portion of the lake itself. So it is  
14 varying degrees depending on where you are.

15 MR. MERCIER: Now, was that data you  
16 just mentioned, was that obtained by the drone, or  
17 is that through the modeling program you use?

18 THE WITNESS (Libertine): Both.

19 MR. MERCIER: Okay. Thank you. Now,  
20 did you perform that same analysis for the Site A  
21 tower over north and south Spectacle Lakes or was  
22 it just limited to Site B where you have the drone  
23 and modeling?

24 THE WITNESS (Libertine): We did use  
25 the drone for both sites. Just to back up for a



1 moment, when we went out to do our work on the  
2 Richards Road, Site B, that was publicly noticed  
3 that particular event over the winter. And at  
4 that time we had already evaluated earlier in that  
5 spring or the spring before in April of 2019 Site  
6 A over at Bald Hill Road. However, we did put a  
7 balloon up in the air at Bald Hill Road so that  
8 everyone could evaluate both sites from the public  
9 as well as us to just have an additional  
10 opportunity and do kind of a comparison. So we  
11 did evaluate both of those sites at that time.  
12 I'm struggling to remember, and I'll just have to  
13 see if -- I think you folks in your  
14 interrogatories may have just asked about -- and  
15 if I'm wrong, please correct me. I think you may  
16 have just asked about Site B, but if not, or  
17 either way I can certainly get that information.  
18 I don't have it handy.

19 MR. MERCIER: I'm just curious how Site  
20 A, Richards Road, would also affect the two lakes  
21 that are in the viewshed, and if you do have the  
22 data, perhaps you could look it up at some point  
23 and present it.

24 THE WITNESS (Libertine): I don't have  
25 that with me. It was not part of the

1 interrogatories. But I certainly, again, I will  
2 make a list of homework items that we can  
3 certainly follow up with or an addendum filing,  
4 whichever you'd like.

5 MR. MERCIER: Thank you.

6 THE WITNESS (Libertine): You're  
7 welcome.

8 MR. MERCIER: Moving to Interrogatory  
9 45, the Council Set Two, it talks a little bit  
10 about the Kent scenic roads. And basically the  
11 response stated there would be a spot year-round  
12 visibility along Geer Road. So when you say spot  
13 view, are you talking like a limited tenth of a  
14 mile, a quarter mile through the trees? I'm just  
15 trying to get a sense of what someone might see as  
16 they're traveling along Geer Mountain Road.

17 THE WITNESS (Libertine): The locations  
18 along Geer Mountain Road are select in that it  
19 will pop into view for a moment, will drop out of  
20 view, will eventually come back into view. So  
21 it's not a continuous stretch of visibility, but  
22 there are some locations where if you're looking  
23 in the right direction you'll be able to see it.

24 To answer your question, yes, they're  
25 very short stretches, a tenth of a mile, and

1 probably actually shorter in several locations.

2 MR. MERCIER: Now, would you know the  
3 backdrop of those areas, is that silhouetted  
4 against the sky or is that along a wooded ridge?

5 THE WITNESS (Libertine): Bear with me  
6 one moment. I believe that is silhouetted in  
7 those locations so that it's above the treeline.  
8 So the backdrop is the sky, but again, they're at  
9 some distance and also they're very select in  
10 nature.

11 MR. MERCIER: Okay. Moving on to the  
12 town -- the applicants' response to the town  
13 interrogatories, Response 50 talks about  
14 visibility from the Lake Waramaug area. And it  
15 basically stated that Site B would be the one that  
16 was visible from portions of the lake, even up to  
17 4 miles away on the water. So I just want to  
18 understand the response that's written. And are  
19 you stating that the tower visibility would be  
20 similar to photo simulations 1 and 6 that were  
21 done as part of the initial application for views  
22 that are in the 2 to 3 mile range? I'm trying to  
23 get a sense of how visible the tower would be say  
24 from the 2 to 3 mile range out because it did  
25 reference photos 1 and 6.

1                   THE WITNESS (Libertine): No. What I  
2 was trying to get across there is the Lake  
3 Waramaug western portion of the lake will not have  
4 views of either tower, including Site B. As you  
5 move eastward across the lake, there will be views  
6 starting at about that 2 and a half, 2.6 mile  
7 distance and moving out eastward to that  
8 shoreline. What I was trying to just demonstrate  
9 was that one of the points that the town had  
10 raised was the ridge and potential views from that  
11 ridge west of Lake Waramaug there are no, to my  
12 knowledge, no public trails up on that ridge. We  
13 certainly did not gain access to it, but we drove  
14 the entire area, and at the northern and southern  
15 end of the ridge we were able to get some  
16 photographs. So I just wanted to represent  
17 those or to present those to more or less kind of  
18 frame that ridgeline. That's all I was doing. So  
19 in no way am I trying to represent that those  
20 would be similar to what views you might see from  
21 Lake Waramaug because those would be at another  
22 almost 2 miles -- well, mile and a half away from  
23 where the photos that we're presenting here are.

24                   MR. MERCER: Okay. For those farther  
25 distances, 2 and a half to 3 to 4, I mean, how

1 discernable would the tower actually be as it --  
2 you know, it says it goes above the treeline, but  
3 how discernable is it in your opinion?

4 THE WITNESS (Libertine): This is  
5 always a point of I think everyone has their own  
6 opinions on it. I think one of the reasons we do  
7 a 2 mile study area is because my experience has  
8 been that once you get beyond that distance,  
9 although a tower may be visible, it's not a  
10 prominent point of interest, if that's the right  
11 word, in other words, you're not necessarily drawn  
12 to it, at least this type of a tower. If we're  
13 talking about a 300 foot tower, that's a little  
14 bit different story. But here we're talking about  
15 anything that's under 200 feet typically it's kind  
16 of the standard monopole. These are more or less  
17 everywhere. And again, once you get beyond that 2  
18 mile distance, they're just not as prominent on  
19 the horizon. I think once you certainly get to 3,  
20 4 and 5 miles away, I would say that in many cases  
21 it's not only not going to be prominent or highly  
22 visible, but you may not even see it depending  
23 upon atmospheric conditions. So it really does  
24 depend on a lot of things. Certainly if you know  
25 what you're looking for at 4 miles away, you'll

1 probably be able to make something out on the  
2 horizon and say, yeah, that's a tower, but that  
3 certainly is not the same type of a view that  
4 you're going to have when you're a half mile away.

5 MR. MERCIER: Thank you. In the  
6 applicants' responses to Set One, I did ask in  
7 there about a tree tower application and you  
8 provided some photographs. I think that was in  
9 attachment 9. I'm just trying to get a sense of  
10 your opinion as to which one of the two sites  
11 might be more suitable for a tree tower  
12 application and the reasons why.

13 THE WITNESS (Libertine): I'm going to  
14 start by saying I don't think either site is  
15 really conducive for a tree tower. And I'd like  
16 to qualify that or at least embellish that answer  
17 because it's clear there are some views that are  
18 well above the treeline here. So by trying to  
19 make it look like a pine tree where in a setting  
20 where it's primarily deciduous forest, I don't  
21 think the context works. We're also talking about  
22 now adding substantial mass in terms of girth by  
23 adding faux branches, so, again, those views from  
24 above the treeline I think become accentuated.

25 Where a tree tower on either site could

1 be helpful and probably more so at Bald Hill Road  
2 is near views in the winter when you're looking  
3 through the trees. That would help to soften the  
4 look of the tower.

5 If we're exploring camouflaging or  
6 softening effects of the tower, I think a more  
7 appropriate option to consider here would be  
8 thinking about doing something of a two-tone tower  
9 which has been done in several locations so that  
10 you have a kind of a gray, brown lower portion  
11 that's in the trees that would tend to blend in  
12 between the wintertime with the trees in the area,  
13 and then above the treeline going with a sky blue  
14 or a similar very soft color that on most days  
15 would blend in a little bit better with the sky.

16 So from that standpoint, I just don't  
17 think a monopine really fits this setting. I  
18 think they're very helpful if it's the right  
19 place. Just unfortunately, I don't believe either  
20 site would really benefit from that.

21 MR. MERCIER: Okay. Just to recap, you  
22 basically said for near views maybe Bald Hill  
23 would be -- have some use for a tree tower and  
24 help it blend in, correct?

25 THE WITNESS (Libertine): I certainly

1 would, you know, for the few views on the Richards  
2 Road site, Site B, where there are some views  
3 through the trees, it would have a similar effect.  
4 But again, I think the other views, especially  
5 over the lake and as you're coming up Richards  
6 Road, as we were reviewing earlier, I think those  
7 views would be highly accentuated, so I think it  
8 would not be a benefit from that standpoint.

9 MR. LYNCH: Mr. Chairman, if I might?

10 MR. SILVESTRI: Mr. Lynch.

11 MR. LYNCH: Mr. Libertine, while we're  
12 on the subject of monopines, I'd like to get your  
13 opinion or clarification. I've noticed in the  
14 past we've had a few monopines in the state, and  
15 they've been rather -- some of them have been very  
16 good. But now I notice that the ones that were  
17 good, with the advent of new antennas and new  
18 equipment, the antennas actually are outside now,  
19 they actually extend beyond the monopine. Is that  
20 something that can be corrected, or is that  
21 something that the monopines just can't, you know,  
22 design for?

23 THE WITNESS (Libertine): I'm not sure  
24 I'm the best person to answer that. I think in a  
25 lot of those cases those were probably, as you're



1 suggesting, were added after the fact. It may not  
2 even be a technical issue. It may just be a  
3 matter of convenience. And I'm just speculating,  
4 but I see no reason why you could not put either  
5 additional branching or there are color socks and  
6 other things that could be done to make those  
7 blend better. So there's no reason why it  
8 couldn't be done. I don't know why those are  
9 happening on towers --

10 MR. LYNCH: Excuse me, Mr. Libertine.  
11 That's why I'm asking because it seems to be that  
12 the interest is in getting the antenna there and  
13 not getting the camouflage there. And if we're  
14 going to do future monopines here or somewhere,  
15 you know, that has to be addressed.

16 THE WITNESS (Libertine): I would  
17 agree.

18 Do you want to jump in?

19 Mr. Vergati can also comment on that.

20 MR. LYNCH: Wait a minute, before you  
21 go.

22 THE WITNESS (Libertine): Certainly.

23 MR. LYNCH: One more thing I noticed in  
24 the interrogatories, and I had to laugh and  
25 chuckle when I saw it, was the fire tower

1 proposal. And you and I have gone back and forth  
2 over that for years, so I just wanted to throw  
3 that in there.

4 THE WITNESS (Vergati): Ray Vergati,  
5 Homeland Towers. Just getting back to the  
6 question/comment about the antennas you've noticed  
7 on tree poles not being concealed properly within  
8 the branches, what I can only say from Homeland's  
9 perspective is that we're very protective of our  
10 sites. We want them to look the best that we can.  
11 We've done many tree poles throughout New England.  
12 And what we require from our carriers when they  
13 co-locate is not a typical standard stock  
14 standoff, meaning a lot of times the carrier will  
15 get a standoff for their antennas and that may be  
16 5 feet. So you will have, in essence, antennas  
17 extending beyond the length of the faux branches.  
18 What we will ask or require of our tenants is to  
19 do a custom mount, take that standoff, cut it,  
20 weld it, make it 30 inches, as short as you can,  
21 so everything is concealed within the branches, as  
22 well as Mike had mentioned putting on camouflage  
23 socks or sleeves on the antennas as well, not  
24 keeping them white. We're proud of the sites that  
25 we build that are stealth, and we want to keep

1 them stealth.

2 MR. SILVESTRI: Mr. Lynch, thank you  
3 for your follow-up questions. I'd like to go back  
4 to Mr. Mercier. Just from a, I don't know,  
5 confusion standpoint, if we can stay, though, with  
6 the analyst or when one Council member has  
7 questions, if we could hold our follow-up  
8 questions by Council members until it's their  
9 turn, I think things might go a little bit more  
10 smoothly. But again, thank you, Mr. Lynch.

11 Mr. Mercier.

12 MR. MERCIER: Thank you. Staying with  
13 the antennas, for a tree tower how would the  
14 municipal antennas on top of the tower affect the  
15 branch patterns or would have any effect at all,  
16 is there any kind of a problem installing  
17 municipal whip antennas on top of a tree tower?

18 THE WITNESS (Libertine): It shouldn't  
19 be a problem in any way. You could still attach  
20 the whip antennas near the top of the collar or  
21 other attachment, and then the faux branching  
22 would just work around that. And of course there  
23 would be the faux top, an extra anywhere from 4 to  
24 6 feet to more or less make that conical top of  
25 the pine tree. So it really shouldn't be a

1 technical consideration.

2 MR. MERCIER: For the two-tone tower  
3 you talked about, two color tone, is that more  
4 beneficial for near views, far views, or both?

5 THE WITNESS (Libertine): It typically  
6 works for both. The idea being that the near  
7 views would be muted because you'd be looking more  
8 or less through the trees. So you'd have, for  
9 lack of a better term, a color that is very  
10 similar to the bark of deciduous trees here in New  
11 England. Once you get above the treeline at  
12 distance, that's really where the sky blue or  
13 other, you know, lighter color would take  
14 advantage of having the sky in the background and  
15 not as industrial a look. It wouldn't be the  
16 metal steel that you would normally see or even  
17 having a dark color which I think tends to throw a  
18 lot of contrast on most days. So it would serve  
19 to benefit both obviously to a degree.

20 MR. MERCIER: Thank you. I'm going to  
21 switch gears now and ask AT&T some questions  
22 regarding their proposed service.

23 THE WITNESS (Libertine): Mr. Mercier,  
24 before we go there, could I follow up? I do have  
25 the information regarding Bald Hill and the amount

1 of tower height that would be seen above the  
2 treeline from the lake -- from the pond, excuse  
3 me, if that would be helpful. Would you like me  
4 to get that on the record now, or would you just  
5 like me to follow up?

6 MR. MERCIER: No, that would be great.  
7 Thank you.

8 THE WITNESS (Libertine): Sure. So in  
9 the case of Bald Hill, it's really the northern  
10 portion of South Spectacle and what I'll call the  
11 central portion moving actually all the way across  
12 the lake. In that case, you tend to get a much  
13 higher view of the tower. It's fairly consistent  
14 throughout the lake, and that is in that 50 foot  
15 and plus range above the treeline. So that's a  
16 little bit more consistent than what you see from  
17 Site B.

18 MR. MERCIER: Okay. Thank you.

19 THE WITNESS (Libertine): You're  
20 welcome.

21 MR. MERCIER: Okay. I just want to  
22 confirm some of the data I have. I saw in one of  
23 the responses that outdoor service, which is not  
24 really plotted anywhere, that was negative 108 or  
25 better for a coverage threshold. I was just

1 wondering what the threshold was for in-vehicle.

2 THE WITNESS (Lavin): It's not strictly  
3 in vehicle, but it's desired service and adequate  
4 service are 83 and 93, roughly equivalent to an  
5 in-building and in-vehicle respectively.

6 MR. MERCIER: Okay, so desired service.

7 THE WITNESS (Lavin): Yes. Neg 93 is  
8 roughly equivalent to in-vehicle --

9 MR. SILVESTRI: I couldn't see the card  
10 in front of you. Is that Mr. Lavin? I still  
11 can't see it.

12 THE WITNESS (Lavin): Martin Lavin,  
13 C-Squared Systems for AT&T.

14 MR. SILVESTRI: Great. Thank you.

15 MR. MERCIER: Now, I understand both  
16 towers are proposed at 150 feet. Which tower does  
17 AT&T prefer in the service aspect, is there is a  
18 clear --

19 THE WITNESS (Lavin): There isn't a  
20 clear-cut difference between the two. We're  
21 proposing both. They both have certain advantages  
22 over each other, but there isn't a clear-cut  
23 preference, no.

24 MR. MERCIER: Now, is there a specific  
25 area that Site A performs better than Site B, a

1 specific target?

2 THE WITNESS (Lavin): Really Site A  
3 performs somewhat better in its vicinity, and Site  
4 B, Site B brings a great deal more coverage to its  
5 south and east. It picks up a large area there  
6 that Site A does not reach. Site A does a better  
7 job in its vicinity than Site B does.

8 MR. MERCIER: Hold on for a moment.

9 (Pause) Now, is there a minimum tower height  
10 acceptable for Site A? I know you're proposing  
11 150, but can you get away with 130?

12 THE WITNESS (Lavin): We responded to  
13 inquiries about 150, 110 and 180, and 110 is  
14 definitely unacceptable to us. 150 goes for  
15 FirstNet. We want to get as much coverage as we  
16 possibly can for public safety. I know  
17 Mr. Vergati has restrictions for the town, I  
18 believe. There's a minimum height for the town.  
19 I believe it's 125 feet at each location for their  
20 microwave service to have proper dependability.  
21 So we don't have another minimum specifically, but  
22 the town needs at least 125 for its microwave to  
23 reach its reliability metrics.

24 MR. MERCIER: Now, you just said that  
25 125 feet was the minimum for the FirstNet

1 application.

2 THE WITNESS (Lavin): For the  
3 municipality, their minimum. The municipality is  
4 not operating FirstNet. We are. They're  
5 operating their two-way systems and their  
6 microwave links. It's I believe their microwave  
7 link that's driving the minimum 125 for them.

8 MR. MERCIER: Okay. I just raise the  
9 other question that, you know, Site B, according  
10 to the data, is about 45 feet higher in elevation  
11 than Site A, so why would they need 125 at B --

12 THE WITNESS (Lavin): It's a matter of  
13 the terrain profile and the vegetation, kind of  
14 speaking for them a little bit, and perhaps more  
15 than I should. But it's the alignment, it's the  
16 intervening terrain. For a microwave shot all  
17 that really matters is the terrain between  
18 whichever tower you're using and the place you're  
19 trying to reach 10, 20, 30 miles away on another  
20 mountaintop. I know it's -- Mr. Vergati tells me  
21 it's 125 for both. The terrain profiles from each  
22 one are different even if one is higher. The  
23 intervening terrain must be higher for B, I'm  
24 guessing, over the path which causes that to need  
25 the same, even though there's a higher ground



1 elevation, it causes it to need the same height  
2 above ground level to give them their proper  
3 reliability.

4 MR. MERCIER: Do you know where the  
5 hand-off location is?

6 THE WITNESS (Lavin): I don't know  
7 offhand, sorry. I don't have the terrain  
8 profiles. But if they've got the same height  
9 requirement at both sites, that pretty much has to  
10 be the reason, the intervening terrain profile.

11 MR. MERCIER: Okay. Thank you. Now,  
12 referring to Council Set Two, Response 47, there  
13 was an attachment, attachment 3, all these tables  
14 with census data and number of businesses and  
15 things of that nature. I'm just curious where the  
16 number of businesses information was obtained.  
17 Was that from the census or is that some other  
18 dataset that you --

19 THE WITNESS (Lavin): It's census data,  
20 yes. It's in the same files we get with the  
21 population, yes.

22 MR. MERCIER: Okay. So there's no way  
23 to determine where or if there's a concentration  
24 of businesses along a certain area, it's just  
25 total; is that correct?

1           THE WITNESS (Lavin): It's total number  
2 of employees, not the total number of businesses.  
3 And it would be as possible as it would for  
4 population, we could show where those businesses  
5 are. That's all. It's by census block which is  
6 generally bounded by roads. It wouldn't be --  
7 it's conceivable to do a plot of where the  
8 concentrations of businesses are, yes.

9           MR. MERCIER: I was just curious if  
10 they're concentrated on 341 or some other area.  
11 Okay. Well, thank you for the information.

12           All right. So looking at the tables,  
13 although we just discussed this, you know, looking  
14 at Site B statistics, at 110 feet it's still  
15 superior than Site A at 150 feet, would you agree  
16 with that, that's for total coverage area?

17           THE WITNESS (Lavin): In terms of these  
18 specific statistics that we presented, but, I  
19 mean, there really isn't -- I don't think there's  
20 really a preference between the two in terms of  
21 AT&T's strategic goals and FirstNet's. The  
22 statistics we presented are a way to compare one  
23 site to another and show the impact of a change in  
24 height. In this case I know AT&T and FirstNet  
25 want to go to 150 because the losses at either

1 site below that are really not something we want  
2 to deal with. They're not -- the site isn't  
3 working as hard for FirstNet as FirstNet would  
4 like it to.

5 MR. MERCIER: Now, to the east of the  
6 site there's Lake Waramaug State Park which is  
7 along the northwest tip of the lake. I don't  
8 really see any coverage to the lake, that park  
9 area. Do you believe there will be some at least  
10 outdoor service to that area?

11 THE WITNESS (Lavin): I believe so,  
12 yes. I don't have the plot in front of me, but  
13 that of course is a wide open area. There's no  
14 need for in-building or in-vehicle coverage there.  
15 So in terms of outdoor coverage from Site A to the  
16 east --

17 MR. MERCIER: Yes. I'm sorry, I forgot  
18 to specify which site might provide better service  
19 to that park if known.

20 THE WITNESS (Lavin): We show no  
21 existing coverage there. There is scattered  
22 coverage from Site A around Waramaug, if I'm  
23 correctly identifying the lake that's to the east,  
24 as you say, where Warren and Kent meet in the  
25 south, the border between -- I don't know the name

1 of that -- Kent and Warren and the two towns to  
2 the south all come together almost by Waramaug, if  
3 I'm picking the right body of water. There is  
4 scattered service there. We put our bodies of  
5 water on top of the coverage just to make sure  
6 they don't disappear on us in the plots. There's  
7 some coverage from Site A. There's quite a lot  
8 more from Site B. The way we stack our layers,  
9 I'm sure there's green under there for that. We  
10 put the water layers on top just to make sure they  
11 stay visible. So you can see green in the areas  
12 of land that protrude into the lake, you can see  
13 there's green, but there would be green all around  
14 it, neg 108 coverage certainly.

15 MR. MERCIER: I'm sorry, that was for  
16 both sites or Site B only?

17 THE WITNESS (Lavin): There's more for  
18 B than there is for A, but I believe there will be  
19 a significant amount of coverage from A and pretty  
20 much complete coverage from B for Lake Waramaug.

21 MR. MERCIER: Thank you. Now, assuming  
22 one of these two towers was approved, would AT&T  
23 need to provide coverage to Route 341 to the west  
24 of the sites; and if so, when would a search ring  
25 be issued?

1 THE WITNESS (Lavin): We've  
2 discussed -- AT&T doesn't have a specific plan at  
3 the moment. There's not a budget or a date or  
4 anything set. But Homeland Towers does have a  
5 site -- we discussed it at the public information  
6 meeting -- in the Town of Warren. I guess Mr.  
7 Vergati could say how far along it is in  
8 development. That takes us out further certainly  
9 in terms of especially outdoor coverage out to  
10 Route 341 into Warren for very nearly continuous  
11 coverage when that comes into the plan.

12 MR. MERCIER: I meant the other  
13 direction to the west down towards Kent.

14 THE WITNESS (Lavin): I'm coming east.  
15 I don't know of any further developments in that  
16 direction, no. Pardon me for getting my  
17 directions backwards, I was thinking of Warren.  
18 But I don't know of any planned rings or a  
19 schedule for getting any further west along that  
20 road.

21 MR. MERCIER: Okay. Thank you. I have  
22 no other questions at this time. Thank you.

23 MR. SILVESTRI: Thank you, Mr. Mercier.  
24 We're kind of close to 3:30. Why don't we take a  
25 15 minute break and come back here about 3:35, and

1 we'll continue cross-examination of the applicants  
2 by Mr. Morissette at that time. So we'll see you  
3 in 15 minutes. Thank you.

4 (Whereupon, a recess was taken from  
5 3:19 p.m. until 3:36 p.m.)

6 MR. SILVESTRI: Again, I'd like to  
7 continue with the cross-examination of the  
8 applicants by the Council, starting this time with  
9 Mr. Morissette. And for the record it is 3:36.  
10 Mr. Morissette.

11 MR. MORISSETTE: Thank you, Mr.  
12 Silvestri. Good afternoon, everyone. I hope you  
13 can hear me okay.

14 THE WITNESS (Libertine): Loud and  
15 clear.

16 MR. MORISSETTE: Great. Thank you,  
17 Mr. Libertine. I think we'll start with you.

18 THE WITNESS (Libertine): Okay. I was  
19 sitting down. If I could take one moment, I would  
20 like to just respond to Mr. Mercier. We had one  
21 thing hanging, and I was able to take a look at  
22 the topographic elevations on Site B. He had  
23 asked about the potential of moving that tower to  
24 the southern portion of the property.

25 As I went on the record earlier, I did

1 mention that most of that rear portion of the lot,  
2 northern portion of the lot is relatively the same  
3 elevation from where our tower is. If we were to  
4 move it south, it actually rises slightly in  
5 elevation. It's a wooded area today. So  
6 technically we could put something -- we could  
7 relocate the tower there. We'd have to talk to  
8 the landlord about that.

9 But in terms of it really improving  
10 visibility, I don't think it really does much for  
11 us. It still keeps us on the ridgeline. If  
12 anything, it actually elevates it by anywhere from  
13 5 to 10 feet. So I just wanted to follow up and  
14 make sure I got that on the record for you folks.  
15 Thank you for indulging me.

16 MR. SILVESTRI: Thank you,  
17 Mr. Libertine.

18 Mr. Morissette, please proceed.

19 MR. MORISSETTE: Very good. Thank you.  
20 Staying on the topic of elevation, I did hear, and  
21 I want to make sure I have this correct, is that  
22 Site B is 35 feet higher in elevation than Site A;  
23 is that correct?

24 THE WITNESS (Libertine): It's about 45  
25 feet in ground elevation differential. We're at

1 about 1,300 feet at Site A, Bald Hill, and that  
2 rises to about 45 and a half feet to the center  
3 line of the tower proposed at the Richards Road  
4 site, Site B.

5 MR. MORISSETTE: Very good. Thank you.  
6 Okay. Moving on to Siting Council Set One  
7 Question 24, the attachments 9. I'm looking at  
8 simulation number 28, and I'm comparing it to  
9 simulation number 29, and the dimensions seem to  
10 be off. If I look at 29, I'm only seeing maybe a  
11 third to a half of the structure above the  
12 treeline, but if I look at 27 it looks like  
13 three-quarters of the structure is above the  
14 treeline. And I would assume that the height of  
15 the trees in photo 27 are the same, being 50 feet,  
16 we're seeing 100 feet above the treeline at that  
17 point. But I was wondering if you could reconcile  
18 that for me so I have a clearer picture.

19 THE WITNESS (Libertine): Sure. We're  
20 talking about two vastly different locations along  
21 that road. What you're seeing in photo number 27  
22 is we're set back almost a half a mile from the  
23 site, so the vista is such that we're seeing the  
24 full ridgeline with, although there's some  
25 intervening vegetation or trees, for the most part



1 you're looking at a silhouetted backdrop.

2 In photo number 29, we're actually on  
3 the road at a completely different ground  
4 elevation. So the foreground and the background  
5 is just -- it's just a totally different  
6 perspective. So we're not necessarily looking at  
7 it on an apples-to-apples perspective here. One  
8 of the things that's different in 29 is that we're  
9 at a lower ground elevation than the tower itself,  
10 we're much closer, so that perspective changes  
11 pretty dramatically. So it's not really something  
12 you can compare from a standpoint of how much of  
13 the tree is above the particular treeline that  
14 you're looking at. It's just not -- it's not a  
15 relative scale.

16 MR. MORISSETTE: Okay. Thank you.  
17 When you do your crane and balloon simulation, the  
18 balloon actually is at the 154 feet of the  
19 proposed tower, and then you're overlaying the  
20 simulated structure to that balloon height. So it  
21 is accurate in its representation?

22 THE WITNESS (Libertine): Yes. And  
23 similarly with the crane. What happens with the  
24 crane is the crane boom does not go up at a 90  
25 degree angle, so it's not straight. So what we

1 have to do is actually measure, because the boom  
2 goes out at certain angles, we actually tape  
3 measure off the 154 feet, or in this case we're  
4 able to get it to about 150 feet, and then we put  
5 a flag on top of that to represent the top of the  
6 tower. But yes, it is accurate, and that's  
7 measured out and tethered in both cases.

8 MR. MORISSETTE: Thank you. Moving on  
9 to the viewshed analysis in the application, I'm  
10 looking at the viewshed analysis map for both  
11 sites and I'm comparing them.

12 THE WITNESS (Libertine): Yes.

13 MR. MORISSETTE: Now, for the Richards  
14 site there are many more locations to the west  
15 closer to Lake Waramaug than in the Bald Hill  
16 site. Can you explain why that is?

17 THE WITNESS (Libertine): For Richards  
18 Road you mean east of the site?

19 MR. MORISSETTE: Yes. Excuse me, did I  
20 say west? East.

21 THE WITNESS (Libertine): Yes. What  
22 happens is two things are really working there.  
23 One is the location and the proximate location to  
24 those roads. I'll point to the viewshed map that  
25 is covering the 93 Richards Road or Site B, those

1 photo clusters 9, 10, 11, 12, 13, 14, that's upper  
2 Kent Hollow Road. It's just a matter of a little  
3 bit more elevation at that site, it's able to work  
4 its way into that viewshed, whereas the Bald Hill  
5 Road is that much further, about a half mile  
6 further to the west and doesn't quite eclipse the  
7 intervening ridgeline that's in between that upper  
8 Kent Hollow Road and Site B. So it's really just  
9 purely a matter of topography and -- yeah, really  
10 just a matter of topography in this case.

11 MR. MORISSETTE: Okay. Thank you. So  
12 on the Bald Hill Road viewshed analysis map the  
13 predicted year-round visibility is 131 acres of  
14 which 46 and 63 are over open water. So that  
15 tells me that the majority of the views are coming  
16 from the open water and very little is coming from  
17 other areas, and that appears to be the case from  
18 your analysis.

19 THE WITNESS (Libertine): For Site B  
20 the water certainly is the most dominant feature  
21 for viewing that tower and from a terrain or  
22 terrestrial level really that stretch of Richards  
23 Road between 341 and what I'll say is the southern  
24 point of South Spectacle Pond. So yes, you're  
25 right.

1 MR. MORISSETTE: In both analyses  
2 you're using a 2 mile study area?

3 THE WITNESS (Libertine): That's  
4 correct.

5 MR. MORISSETTE: And it's the same 2  
6 miles?

7 THE WITNESS (Libertine): Well, it's  
8 centered on each site, so they're common but  
9 they're not exactly the same. So there's a lot of  
10 common elements. But if you compare the two,  
11 you'll see, for instance, in the central portion  
12 of the Bald Hill viewshed map you'll see North  
13 Spectacle Pond. If you flip over to Site B, 93  
14 Richards Road, you'll notice North Spectacle Pond  
15 is situated more in the north central portion. So  
16 it's just a matter of we tend to use the center  
17 point of the tower as our study area for each of  
18 these individually.

19 MR. MORISSETTE: Okay. Thank you.

20 THE WITNESS (Libertine): But there are  
21 several common areas.

22 MR. MORISSETTE: Okay. Just to  
23 confirm, Site B is in the Horizonline Conservation  
24 District but Site A is not, it's close but it's  
25 not --

1 THE WITNESS (Libertine): That's my  
2 understanding, correct.

3 MR. MORISSETTE: And both sites are  
4 within the National Heritage Area?

5 THE WITNESS (Libertine): Yes, they  
6 are.

7 MR. MORISSETTE: Thank you,  
8 Mr. Libertine, I think I'm all set with you. I'll  
9 move on to Mr. Lavin.

10 THE WITNESS (Lavin): Martin Lavin.

11 MR. MORISSETTE: Thank you. Mr. Lavin,  
12 I'd like to go to Tab 1, Table 1 in the  
13 application. I have some questions associated  
14 with this on Siting Council Set One, Question 29.  
15 And I just wanted to make sure that I understand  
16 the analysis here. First of all, Table 1, does it  
17 represent the map or the coverage area that is  
18 shown on page 10, are they consistent, which is  
19 attachment 3, I think it is, yes, page 10,  
20 attachment 3.

21 THE WITNESS (Lavin): In terms of  
22 existing coverage, it's an approximation really of  
23 what the coverage gap is in this area. It  
24 obviously runs for a great distance in any  
25 direction. It's an attempt to say what the

1 general area is that a site in this town might  
2 address as opposed to going on to express the  
3 entire coverage gap. It's not nearly as precise  
4 as the new -- the incremental coverage that we  
5 show. It's more an estimate of what the overall  
6 gap is in the vicinity of this site. As you can  
7 see, the white runs up to the edges of the plot,  
8 so probably you could keep going for some  
9 distance, but it's not really relevant to this  
10 area. It's an estimate.

11 MR. MORISSETTE: So it's an estimate  
12 that's broader than the map reflects?

13 THE WITNESS (Lavin): It can be, yes.  
14 It's difficult to say what the existing gap is  
15 from here, when do you go far enough that it's not  
16 relevant to Kent anymore. Up in this area there  
17 is an awful lot of areas that are not covered, so  
18 sort of where do you -- it's a question of where  
19 you define what you're running out of here when  
20 you're running out of the area and into an area  
21 that isn't relevant to Kent.

22 MR. MORISSETTE: Right. When you  
23 compare the existing coverage gap with the  
24 incremental coverage gap, the first impression you  
25 get is you're not getting much at all.

1           THE WITNESS (Lavin): There is much  
2 work to be done out here. That's sort of the idea  
3 of putting the existing coverage gap in there.  
4 There is an awful lot of work to be done. These  
5 sites do as much as any single site can in this  
6 area really. So the difference between the two  
7 kind of portrays the amount of work that needs to  
8 be done in this area that one -- it's not just  
9 going to be one site that will take care of  
10 everything.

11           MR. MORISSETTE: If you were to take  
12 Table 1 and use that as a basis of evaluating what  
13 the study area should be, now is it a percentage  
14 of that, like 25 percent of that overall area is  
15 the study area, is that something that you can  
16 rightly review, or is that not the way to look at  
17 it?

18           THE WITNESS (Lavin): It's a difficult  
19 statistic to deal with. It's just asking how much  
20 is -- this statistic is probably a lot more  
21 relevant in areas that have considerably more  
22 coverage than we have here, we have a nicely  
23 defined coverage gap because there are lots of  
24 sites around and maybe an area or two remaining to  
25 be closed up that are on the order of what one

1 site can do. Clearly in this case we have an area  
2 of 50 square miles and we cover 42.6 square miles  
3 and we cover 15. In that case it's roughly a  
4 third to a quarter of it that gets taken care of,  
5 but no one site could ever take care of the  
6 coverage gap that we have existing out here. It's  
7 the first step toward filling in the area.

8 MR. MORISSETTE: Right. So what I'm  
9 trying to get at is, is that the incremental  
10 coverage area, how much of the study area does it  
11 actually serve, will it actually serve, is it 100  
12 percent or 90, 50 percent?

13 THE WITNESS (Lavin): In the 93 decibel  
14 definition it's about a third of it, roughly  
15 speaking.

16 MR. MORISSETTE: So along the Route 341  
17 in that study area would only get a third  
18 coverage?

19 THE WITNESS (Lavin): Our gap in terms  
20 of secondary roads is 23 miles, and we got 26.9 of  
21 them. In some cases it ends up being quite a lot  
22 more. For secondary roads I think we got quite a  
23 lot in that area. Main roads, it's a matter of  
24 how you look at it. Certainly the incremental  
25 coverage is exactly what the new site brings us.



1 That's quite precise. Comparing it to our  
2 estimation of the existing coverage gap in this  
3 area has its limitations in terms of how directly  
4 you can work between the two, I think. It's not  
5 an effort to make our incremental coverage look  
6 smaller.

7 MR. MORISSETTE: No, no, I'm just  
8 trying to get a handle on what percentage of the  
9 study area will be served once this is done by  
10 either one of these sites. It's hard to tell  
11 using this information because it looks like it's  
12 very small, but your study area is much smaller  
13 than your overall existing coverage area.

14 THE WITNESS (Lavin): Yes, but that's  
15 not to say that the site is not working as hard as  
16 it can. It really is -- it's a big area out here  
17 that hasn't been covered, and this is our first  
18 step toward filling in this gap. By no means  
19 could any site fill in all of this gap. It's a  
20 big area, maybe 15 square miles, and neg 93 is a  
21 very big coverage area. It's has the misfortune  
22 of being in an area that needs even more than  
23 that, but it's not something that any one site  
24 could ever do by itself.

25 MR. MORISSETTE: Right, I recognize

1 that, that the area, the existing coverage,  
2 there's a lot of need out there. Is there a  
3 statistic that you can provide us that will show  
4 us the study area compared to what your  
5 incremental coverage is going to provide?

6 THE WITNESS (Lavin): We can look more  
7 extensively at defining the existing coverage gap.

8 MR. MORISSETTE: Of the Route 341 area?

9 THE WITNESS (Lavin): Yes, and probably  
10 show you exactly what area we identified as the  
11 gap. You can see how this gets in there.

12 MR. MORISSETTE: Okay, that would be  
13 helpful.

14 THE WITNESS (Lavin): Yes.

15 MR. MORISSETTE: Great. Okay, moving  
16 on. Now, you mentioned earlier the Town of Warren  
17 site. Now, that site has been identified by the  
18 town as being a potential site that they would  
19 support?

20 THE WITNESS (Lavin): The status of  
21 that site, it was brought up by people asking  
22 about the site, thinking that with the Warren site  
23 it was publicly known from its previous  
24 discussions, and some people thought this site  
25 would serve this area. Our purpose in bringing it

1 up originally was to say it complements this site.  
2 It's really in no way a substitute for this site.  
3 That's why we originally brought it up.

4 Mr. Vergati can discuss its status more in depth.

5 MR. MORISSETTE: Well, the bottom line  
6 is it's in the planning stage, you're going to  
7 move forward on it at some point?

8 THE WITNESS (Vergati): Ray Vergati,  
9 Homeland Towers. Homeland Towers has an active  
10 ground lease off of Laurel Mountain Road in the  
11 Town of Warren. We actively market that site to  
12 the carriers. That site is approximately 4.2  
13 miles to the east of Site A and B. So as  
14 Mr. Lavin had indicated, it would complement or  
15 hand off nicely to the sites that are before the  
16 Council for consideration right now. But right  
17 now Homeland has a lease with the Town of Warren  
18 on town property off Laurel Mountain Road. If and  
19 when a carrier funds that particular location and  
20 takes interest in it, we'd be more than happy to  
21 move forward on an application at that point.

22 MR. MORISSETTE: Thank you. Okay.  
23 Mr. Lavin, I'm moving on to Siting Council  
24 Interrogatory Set Two, Question 46. This has to  
25 do with small cell --

1 THE WITNESS (Lavin): Yes.

2 MR. MORISSETTE: -- distributed antenna  
3 systems. I'm not familiar with PURA Docket  
4 18-06-13, but my impression is is that was more of  
5 a siting docket where PURA could sign off on the  
6 locations of the small cells within those areas  
7 and not justifying small cells versus, you know,  
8 rural versus urban settings?

9 THE WITNESS (Lavin): Yes.

10 MS. CHIOCCHIO: Mr. Morissette, this is  
11 Attorney Chiocchio.

12 MR. MORISSETTE: Yes.

13 MS. CHIOCCHIO: I'm going to answer  
14 that question since I've been involved in AT&T's  
15 project or small cell project. So yes, those are,  
16 the reference to that docket is AT&T's small cell  
17 build plan for the State of Connecticut, and those  
18 small cells are in densely-populated areas where  
19 capacity relief is needed. Does that answer your  
20 question?

21 MR. MORISSETTE: Sort of. Let me go a  
22 little bit further. Does it provide guidance as  
23 to where these small cells should be incorporated,  
24 or is it specific to those areas in which were  
25 part of the docket?

1 MS. CHIOCCHIO: It provides information  
2 about those specific locations where small cells  
3 were deployed.

4 MR. MORISSETTE: Okay. So it's  
5 specific to those locations?

6 MS. CHIOCCHIO: Correct.

7 MR. MORISSETTE: Okay, great. That's  
8 helpful.

9 The response further goes on to talk  
10 about the FCC potential subsidies for rural areas.  
11 And I want to understand if the FCC actually is  
12 kind of codified and directing carriers to address  
13 these areas, because what they do indicate is  
14 that, the report indicates that within six years  
15 90 percent of the population, 90 percent of rural  
16 areas will be provided coverage. That's if I  
17 understood it correctly. Has it been codified, or  
18 are you under any direction to address rural areas  
19 under that?

20 THE WITNESS (Lavin): No, we're not.

21 MR. MORISSETTE: You're not at this  
22 time, but you may be in the future?

23 THE WITNESS (Lavin): Correct.

24 MR. MORISSETTE: Okay. That's helpful.  
25 Thank you.

1           Okay. I'm going to need a little help  
2 on understanding small cells. I'll tell you what  
3 my limited understanding is and you can correct me  
4 when I'm wrong. So you have several small cells,  
5 and they're usually line of sight throughout a  
6 given area. And there's typically a base starting  
7 structure that will hand off to each of the linear  
8 cell units to provide coverage. And the coverage  
9 essentially is -- this is where I may be  
10 misinterpreting -- it's along the line of sight  
11 between them or is it just in the vicinity of the  
12 small cell itself?

13           THE WITNESS (Lavin): They are normally  
14 put in what we call strand height 25 to 30 feet  
15 up. Their coverage -- they're lower power, lower  
16 height, and their coverage tends to be only along  
17 roads, basically a ribbon of coverage, and  
18 extending an eighth to a quarter of a mile in  
19 either direction from the cell site. That's more  
20 in an area where the roads are flat and the trees  
21 aren't so high here. The trees along these roads  
22 are very high and the roads are twisting and,  
23 rather, grade elevation changes, so it severely  
24 limits the coverage of them. I would say more of  
25 an eighth of a mile radius would be probably what

1 you'd get, and only along -- I shouldn't say  
2 radius, actually, just along the road itself  
3 really. The trees surround the poles completely  
4 in this particular instance on Route 341, and the  
5 coverage really wouldn't extend very much off the  
6 road at all.

7 MR. MORISSETTE: Again, the coverage in  
8 between the small cells, if they are a distance of  
9 a mile, for example, you will have gaps at the mid  
10 point?

11 THE WITNESS (Lavin): A mile apart  
12 you'd have a gap probably larger than your  
13 coverage would be, yes. The spaces in between one  
14 mile separated small cells would be bigger than  
15 the coverage they provide. You'd have just little  
16 islands along the road and everything dropping in  
17 between.

18 MR. MORISSETTE: Okay. Thank you.  
19 Moving on to Siting Council Set Two, Questions 47  
20 and 48. Now, in attachment 3 you provide some  
21 tables. Mr. Mercier pointed out that the Richards  
22 Road site at 110 appears to have the same coverage  
23 as the Bald Hill at 150.

24 THE WITNESS (Lavin): I haven't held  
25 them up side by side, but by some measures. But

1 these are statistics that are not the whole  
2 driving force behind one over another, more of a  
3 way to compare different heights at each site and  
4 show the coverage loss. Either site is acceptable  
5 at 150 to AT&T, and this just shows by raw numbers  
6 and by percentage how much of the coverage is lost  
7 by the reduction in height.

8 MR. MORISSETTE: I'm having  
9 difficulties understanding though if Bald Hill is  
10 acceptable at 150, that coverage, why isn't  
11 Richards Road acceptable at 110. I know you  
12 mentioned the municipality needs to be at 125, but  
13 is there an opportunity to at least lower Richards  
14 Road down to 125, for example?

15 THE WITNESS (Lavin): We'd have to  
16 consult with AT&T if that intermediate step would  
17 be acceptable.

18 MR. MORISSETTE: Okay. That's all the  
19 questions I have. Thank you very much.

20 MR. SILVESTRI: Thank you, Mr.  
21 Morisette. We will continue cross-examination of  
22 the applicant by Mr. Harder.

23 MR. HARDER: Yes, thank you. I have a  
24 few questions, no particular order here. But the  
25 first one, the responses that were received from



1 the property owners in the area, there were  
2 several where the application indicated that there  
3 was no response, excuse me, no response was  
4 received. And I gather that there was the minimum  
5 certified mail notice that was sent out, and in  
6 several cases there was no response received.  
7 Other cases there were a few contacts, some by  
8 phone, I guess, some by follow-up letters.

9 My question is, for those where there  
10 was just the one certified mail notice that was  
11 sent out, were any of those properties -- or do  
12 any of those properties have some appeal in terms  
13 of suitability for location of a cell tower?

14 THE WITNESS (Vergati): This is Ray  
15 Vergati, Homeland Towers. I can't speak for the  
16 suitability, per se, with RF. Looking at the  
17 area, we sent out certified proposal letters.  
18 Obviously they come back signed for, not signed  
19 for. Typically people sign for them. We'll also  
20 send regular mail when they don't. The sites that  
21 we've sent proposals to, you know, some would  
22 perform better than others.

23 Certainly based on the location,  
24 there's really, you know, four criteria that we  
25 look at. We have to have an interested landlord,

1 number one, who is willing to enter into a ground  
2 lease with reasonable rental rates. We have to  
3 have a site that certainly is constructible,  
4 meaning I can't build a road up the side of a  
5 mountain with a 40 percent steep slope. The site  
6 has to be zoneable in a sense where I want to have  
7 a site preferably with the least amount of visual  
8 or environmental impact to the community. And it  
9 has to work for the carrier's network.

10           So we sent out over the course, a few  
11 times, I think it was 27 property owners received  
12 letters. Some of those properties are rather  
13 large, 200 and 300 plus acres. If we have  
14 interest from a landlord, we pursue it. From a  
15 lease perspective, I'll walk the property and see  
16 if it makes sense as a first step. But the sites  
17 before us were two property owners that responded  
18 with interest, and so we pursued leases on both of  
19 them.

20           MR. HARDER: I guess what I'm wondering  
21 is, can we assume that since for several of the  
22 properties where there was a response, at least a  
23 signed certified mail form, and since there was no  
24 follow-up, I'm assuming there was no follow-up in  
25 many of those cases, or in all those cases where

1 there was only the one certified mail notice and  
2 then response, can we assume that in all of those  
3 cases that those properties were not attractive?

4 And I guess kind of a follow-up. If  
5 any of them were attractive, is it the company's  
6 practice to give them a second chance, I guess in  
7 a way if you really think a property is worth  
8 pursuing, from your perspective anyway, even  
9 though you get that initial signed form back and  
10 there's no interest shown, if it's a promising  
11 property, do you make follow-up attempts to see if  
12 the property owner might reconsider?

13 THE WITNESS (Vergati): We do. And I  
14 will tell you that Homeland's efforts started in  
15 January of 2012 for initial work in this area  
16 looking for interested landlords. We sent out  
17 letters, certified, spoke to a few landlords,  
18 obviously met with a few landlords. The only one  
19 that came back with any interest in leasing their  
20 property was the Bald Hill Road site, Site A.  
21 Over the course of six years or so we sent out  
22 certified letters, again, as a follow-up due  
23 diligence. Many of the property owners received  
24 those same letters. Some properties had changed  
25 hands, ownership, and the new owner signed for

1 certified letters.

2 We will pursue a property when someone  
3 is interested. I can't make a living out of  
4 chasing every certified letter that I send out  
5 where somebody signs for it but doesn't respond  
6 back to me. We basically take a lack of response  
7 for them to reach out, with my contact information  
8 that's included, as one of non-interest.

9 MR. HARDER: I think I agree it  
10 wouldn't make sense to chase down every single  
11 one. But if there were one or a few properties  
12 that were really attractive, it would seem to me  
13 that it would make sense to give them a second  
14 opportunity or to see if they might reconsider. I  
15 mean, it sounds like you do that in some cases.

16 THE WITNESS (Vergati): I do. I've  
17 been doing this for 20 years. And one of the  
18 sites I will tell you that was attractive to me  
19 was Kenmont Camp, which is located just at the  
20 cul-de-sac over kind of a ridgeline of the Bald  
21 Hill Road site. They have a published phone  
22 number. They got a letter from me. I tried to  
23 pursue them very hard and even walked the property  
24 with the owner or slash owner representative, and  
25 it's just something that they were not interested

1 in. When we send out letters and only a few come  
2 back with interest, we have to work with what we  
3 have to work with.

4 MR. HARDER: Okay. Thank you. Can you  
5 tell us how many, at least roughly, how many of  
6 the existing properties and existing either  
7 residences or businesses that are in or that would  
8 be in each of the service areas of Site A or Site  
9 B how many there are that would be served  
10 theoretically by these facilities?

11 THE WITNESS (Lavin): Martin Lavin,  
12 C-Squared Systems. The facilities you're  
13 referring to are?

14 MR. HARDER: Site A and Site B. At  
15 least roughly how many new customers might be  
16 served by each one?

17 THE WITNESS (Lavin): I don't know what  
18 AT&T's penetration rate of the population is here.  
19 We share the market, so I can't really say how  
20 many customers it translates to.

21 MR. HARDER: Would anyone have that  
22 information? I mean, I guess I'm kind of  
23 surprised that's your answer. I mean, I would  
24 think that the company would have to have some  
25 idea of how many potential customers are there

1 that they might bring in.

2 THE WITNESS (Lavin): We believe we can  
3 get that.

4 MR. HARDER: Okay. Thank you. There  
5 were two -- this question concerns Site B, exactly  
6 what the bounds of Site B are, I guess. I think  
7 in the original application it showed the property  
8 lines quite a bit farther to the east compared to  
9 another map that showed property lines not as  
10 expansive to the east. I was going to ask a  
11 question about whether a tower could be located  
12 further to the south on Site B. Mr. Mercier got  
13 into this a little bit. With the more recent, I  
14 think, map that showed the property line further  
15 west, I'm not sure if that's as feasible. But  
16 could you, first of all, clarify which map is  
17 correct?

18 THE WITNESS (Burns): Yes. For the  
19 record, Robert Burns, All-Points Technologies. I  
20 believe you're referring to an aerial that was  
21 prepared originally where the property lines were  
22 overlaid on it. Those property lines came from  
23 GIS mapping which is not as accurate as doing a  
24 survey. The property lines within the site plans  
25 came from a field survey, and that is the accurate

1 property lines.

2 MR. HARDER: So --

3 THE WITNESS (Burns): I'm sorry to  
4 interrupt.

5 MR. HARDER: Go ahead.

6 THE WITNESS (Burns): We have  
7 resubmitted that aerial with the corrected  
8 property lines on it.

9 MR. HARDER: So the correct property  
10 line is site -- property boundary is further west  
11 than the original; is that correct?

12 THE WITNESS (Burns): I'm not sure I  
13 understand the question. The difference is that  
14 on the original aerial, if you look at the survey,  
15 there's a bit of a jog in the west property line,  
16 and it comes down straight and then across to the  
17 west. I don't know, I don't think actually the  
18 property itself is further west.

19 MR. HARDER: Right. So following on  
20 your comment about the jog in the line, the  
21 correct property line doesn't have that jog; is  
22 that what you're saying?

23 THE WITNESS (Burns): No. The  
24 corrected property line is the one within the site  
25 plans that has that jog.

1 MR. HARDER: It does, okay.

2 THE WITNESS (Burns): It was field  
3 surveyed.

4 MR. HARDER: Okay. So is it feasible  
5 then to -- is it feasible to locate a tower  
6 further south on that eastern side of the property  
7 where you could be consistent with the town's  
8 setback requirements? It seems that where the  
9 tower is located or where the tower is proposed  
10 now on Site B you're not consistent with those  
11 requirements. I know you're not required to meet  
12 them before the Council. But would you be able to  
13 meet them if you located the tower further to the  
14 south and not interfere with other activities on  
15 the site?

16 THE WITNESS (Burns): Offhand I'm not  
17 sure what the setbacks are, but I would say that  
18 the southern -- the southeastern corner of the  
19 property, if you will, is part of the operations  
20 of his construction company, and then the part  
21 that's wooded is significantly steep. So that,  
22 you know, I think it could work, but it would  
23 probably interfere with the operations that are  
24 going on out there today.

25 MR. HARDER: Okay. So one of the



1 questions I had actually I think you just  
2 answered, the nature of the business on the site  
3 is a construction business?

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

5 MR. HARDER: Okay. I believe there was  
6 perhaps in response to one of the interrogatories  
7 a question about the emergency generator  
8 provisions for spill containment. I know it's  
9 described as a standard two-wall system. But  
10 there was a comment made about a containment pit I  
11 think indicating that if there was a release that  
12 there's a containment pit that would ensure that  
13 fuel didn't escape from the site. Is that  
14 correct?

15 THE WITNESS (Burns): So --

16 MR. HARDER: What's the nature of that  
17 containment pit?

18 THE WITNESS (Burns): Since the  
19 application has been submitted, both AT&T and the  
20 town has changed their preference to go to propane  
21 generators.

22 MR. HARDER: Okay.

23 THE WITNESS (Burns): So we'll be  
24 submitting a revised plan showing propane tanks  
25 within the compounds.

1 MR. HARDER: Okay. All right. Thank  
2 you. Let's see, looking at the coverage maps --  
3 actually, before we look at the cover -- well, I  
4 guess related to the coverage maps there's a  
5 comment, I think, in the application that talks  
6 about obviously it's difficult topography to deal  
7 with. And even if this application is approved in  
8 either one of these sites, there still will be  
9 some coverage gaps in the area, to say nothing of  
10 further in the northern part of town.

11 And I guess my question is, if you were  
12 looking at the whole Town of Kent, what would  
13 appropriate coverage look like, would it be, from  
14 a standpoint not necessarily just of AT&T, but  
15 just looking at appropriate cell coverage what  
16 would that look like?

17 THE WITNESS (Lavin): Martin Lavin  
18 again. Our first priority would be, I guess, the  
19 overall goal would be to establish outdoor  
20 coverage over as much of the town as possible and  
21 then to enhance from there. It's hard to be any  
22 more specific than that, but just to not leave --  
23 try to establish at least outdoor coverage minus  
24 108 across the town. And from there I'm not  
25 exactly sure what the priorities would be to bring

1 the marginal and acceptable or desired and  
2 acceptable levels of coverage into the rest of the  
3 town.

4 MR. HARDER: But for an area like this  
5 with the topography that it has, it would seem  
6 that it's unlikely that the entire town would be  
7 covered.

8 THE WITNESS (Lavin): Yes. It's just  
9 not economically feasible in terms of putting  
10 towers or small cells everywhere. That's kind of  
11 beyond the objective here, yeah.

12 MR. HARDER: All right. Okay. Let's  
13 see --

14 THE WITNESS (Lavin): With respect to  
15 the customer question, I've sort of been advised  
16 that I may have misinterpreted your question here  
17 of what percentage of the population was AT&T  
18 customers. We do have a statistic that the site  
19 at the base of 341 and the intersection with Route  
20 7 there are 21,000 AT&T monthly customers served  
21 by that site. So that's kind of the magnitude of  
22 what we're looking at, an average of I guess  
23 that's 700 accesses a day on that site.

24 MR. HARDER: Okay. I was actually  
25 trying to get an idea of how many new customers

1 this proposed facility would bring in.

2 THE WITNESS (Lavin): That I have no  
3 idea.

4 MR. HARDER: Okay. That's all the  
5 questions I have right now. I think there was one  
6 other one I didn't jot down. If I think of it  
7 later, I'll chime in, but thank you.

8 MR. SILVESTRI: Thank you, Mr. Harder.  
9 I'd like to continue cross-examination of the  
10 applicant this time by Mr. Hannon.

11 MR. HANNON: I do have some questions,  
12 some clarifications also, based on some comments  
13 raised earlier.

14 The first question I have is based on,  
15 it's Tab 1, actually, what's identified as page 1  
16 in the AT&T report. Can you just explain to me a  
17 little bit better what FirstNet service is? I  
18 just want to make sure I fully understand that.

19 MS. CHIOCCHIO: Dan Stebbins, can you  
20 talk a little bit about FirstNet in response to  
21 that question?

22 THE WITNESS (Stebbins): Am I off mute  
23 now?

24 MS. CHIOCCHIO: Yes, you are.

25 THE WITNESS (Stebbins): Okay, thank

1 you. I'm not specific on what you're looking for,  
2 but FirstNet, obviously, is a different carrier  
3 from AT&T, but they are supported by AT&T, and  
4 it's a federal program. It's primarily for first  
5 responders. The reason I got involved is I was  
6 the commander at Newtown at the Sandy Hook School  
7 shooting, and we had great failures that day. If  
8 we had FirstNet today, it probably would have made  
9 a difference in how we responded at that scene.  
10 So I'm a big proponent of FirstNet for all people  
11 throughout the state and country. It's long  
12 overdue. It's the result of the 9/11 Commission  
13 as a result of so many police and fire not getting  
14 the message in the second tower to get out of that  
15 tower. So in our case we wanted to get the  
16 message to the officers on scene to get in the  
17 school because obviously there was a tragedy  
18 occurring inside.

19 MR. LYNCH: Has he been sworn in?

20 MR. SILVESTRI: Yes, Mr. Lynch, he has  
21 been.

22 THE WITNESS (Stebbins): Should I  
23 continue?

24 MR. SILVESTRI: Mr. Stebbins, please  
25 continue.

1 THE WITNESS (Stebbins): Okay. What  
2 happened that I'll just share with you are some of  
3 the failures that we're trying to correct here in  
4 our country is the communications upfront were big  
5 failures, and yet they were standard operating  
6 procedures for the time, and now they are not. We  
7 can do a much greater job with FirstNet.  
8 FirstNet, in order to have it, you have to have  
9 the service, therefore, you have to have the  
10 towers that provide the service to first  
11 responders.

12 And I would just give you a couple of  
13 examples. The initial call that came in went to  
14 the Newtown Emergency Dispatch Center, which is  
15 exactly what it should have done. The person  
16 answered the phone, and they got out the words  
17 that there was a shooting and they didn't know  
18 why. What happened was, the shots fired were  
19 going through the area where the call was being  
20 made from, and she never got a chance to say it  
21 was one shooter, which way he went in the hallway,  
22 et cetera, all of those little bits of information  
23 were critical to us. They translated later on  
24 through all the other calls that both went to  
25 Troop L in Litchfield, all the cell calls, and the

1 landline calls going to Newtown. So we had split  
2 information. We were getting very conflicting  
3 reports that there were several shooters in the  
4 building, and because of that everybody assumed  
5 there was multiple shooters. I just throw all of  
6 this out there because there was so much confusion  
7 upfront that could go away with a new system, and  
8 that being FirstNet.

9 I'm not a big fan of any one phone  
10 company. I am a big fan of FirstNet. So I don't  
11 care if it was AT&T or Verizon or T-Mobile or  
12 anybody else that may come out with this. This is  
13 a huge benefit to the communities that are having  
14 a terrible incident that is ongoing.

15 I was commander at the lottery shooting  
16 in '98. I went to the distributors shooting. I  
17 was obviously the on-scene commander at Sandy  
18 Hook. And little bits of information have a huge  
19 input on what we do, whether it's police, fire or  
20 EMS. If the people in that school could have  
21 called us from a FirstNet phone, they would have  
22 got through. If they were using the normal  
23 commercial lines that you're using today out  
24 there, they would not get through. I was 60 miles  
25 away. I drove all the way there with the Governor

1 calling me, the commissioner calling me and asking  
2 me what was going on, and I couldn't tell them. I  
3 couldn't tell them because I couldn't talk to  
4 anybody on the ground, congestion, congestion on  
5 your cell and your landline systems.

6 So I bring this to your attention  
7 because FirstNet gives you priority and preemption  
8 over the other callers so your calls do go  
9 through. I hope you never have to use FirstNet  
10 for what it's really designed for, which is a  
11 critical incident, but if you don't have the  
12 service FirstNet won't work. So my plug here is  
13 for all of us, for all of our families, that in  
14 the event of something that is going to bring in  
15 all your first responders, all the media, all of  
16 these different groups that are going to occupy  
17 your communication system, it won't work if you  
18 don't have that priority and preemption on at  
19 least one of them, and that's FirstNet.

20 Questions for me?

21 MR. HANNON: I thank you for your  
22 response. So what I'm gathering from what you're  
23 saying is this is something that the Siting  
24 Council should probably be looking at on all cell  
25 towers or all telecommunication operations going



1 forward?

2 THE WITNESS (Stebbins): Absolutely,  
3 absolutely. We've made great progress in the  
4 first four years here going across the country to  
5 get as much as possible online. We have five  
6 years to do it in, to get over 96 percent of the  
7 population on FirstNet. This is one of the voids  
8 we are working on here in Connecticut. We don't  
9 have that many of them, but that northwest corner  
10 is a problem, the foothills of the Berkshires,  
11 we've got a lot of holes up there in the system  
12 because of your topography. And FirstNet will  
13 make a difference for you. You are always going  
14 to be -- in other words, when you see that little  
15 light blinking on your phone, that tells you you  
16 have connectivity. It doesn't tell you the phone  
17 call is going to go through, but with FirstNet it  
18 will because you're going to be recognized by the  
19 computer, and it will light up your call and  
20 someone else's.

21 MR. HANNON: All right. Thank you very  
22 much. I appreciate your answer. In reading the  
23 document, it's my understanding that AT&T is  
24 committing to deploy FirstNet services if this is  
25 approved?

1           THE WITNESS (Stebbins): They will be  
2 doing that, yes. We have a contract with the  
3 federal government. And we have to do it. We  
4 have -- you know, it's not an option for the  
5 company like it has been up to now whether or not  
6 they give you service. This is something we have  
7 to do by contract.

8           MR. HANNON: Okay. Thank you. Also on  
9 that page a little lower down I'm a little  
10 confused. I think, if I'm reading most of the  
11 document correctly, this is primarily dealing with  
12 going from 3G to 4G services; is that correct?  
13 Because the reason I'm asking is because a little  
14 bit earlier in the document it talks about the  
15 current administration trying to further develop a  
16 natural strategy for the U.S. to win the 5G global  
17 race. So I don't understand why that's even in  
18 the document if this is migrating from 3G to 4G.  
19 So I just want to make sure I didn't miss  
20 something else in the document that it's migrating  
21 from 3G to 4G.

22           THE WITNESS (Lavin): Martin Lavin,  
23 C-Squared. In the case of Kent, this is about  
24 migrating from nothing straight to 4G. There is  
25 no coverage, no service in all of these areas.

1 This is filling in a hole where nothing, there are  
2 no Gs right now.

3 MR. HANNON: Okay. But it is 4G that  
4 you're going to?

5 THE WITNESS (Lavin): 4G will be  
6 installed at launch, yes.

7 MR. HANNON: Okay. Thank you. Now, my  
8 next two questions may be a little confusing  
9 because I'm talking, again, I'm staying in Tab 1,  
10 but two different page 11s which happen to  
11 represent Site A and Site B.

12 So the first one dealing with coverage  
13 display for Site A. Based on what I'm seeing, it  
14 looks as though -- and I think this was discussed  
15 by Mr. Mercier earlier -- that this looks like the  
16 area of coverage where it would be beefed up is  
17 really more along the intersection of 341 and  
18 Richard Road, is that correct; and if that is,  
19 sort of what's the development in this area and  
20 the population you're trying to reach?

21 THE WITNESS (Lavin): The Site A will  
22 reach that area primarily, especially the neg 83  
23 neg 93 coverage. The coverage will be a lot more  
24 extensive in the outdoor coverage levels in terms  
25 of the public being able to call from outdoors in

1 terms of safety. The numbers are, what we're  
2 reaching in terms of population are in the  
3 reports. The gaps we have referred to previously.  
4 And Table 2 gives the incremental or new coverage  
5 that's provided by each of the sites in its  
6 report.

7 MR. HANNON: Then for Site B I believe  
8 you had mentioned earlier that it does a fair  
9 amount of increased coverage to the south and to  
10 the east; is that correct?

11 THE WITNESS (Lavin): Yes.

12 MR. HANNON: And is that primarily  
13 residential area?

14 THE WITNESS (Lavin): I don't know  
15 offhand. The population gains is significantly  
16 more for Site B. According to Mr. Libertine, it  
17 is more residential in that area, yes.

18 MR. HANNON: Okay. Moving to Tab 3,  
19 just sort of a general question. A little bit to  
20 the north of the driveway coming into the  
21 compound, I can't tell if that's a sink hole, if  
22 it's a little bit of a --

23 THE WITNESS (Burns): Robert Burns,  
24 All-Points. You're talking about Site A, I  
25 assume. It appears there's some kind of hole

1 there. I don't know. Offhand, I don't know what  
2 that is.

3 MR. HANNON: (No response.)

4 MR. SILVESTRI: Mr. Hannon, you still  
5 with us?

6 THE WITNESS (Lavin): He seems to be on  
7 mute.

8 MR. HANNON: Okay, I'll try that again.  
9 I didn't hit the button. I'm keeping my hands  
10 free and clear. The driveway going toward Bald  
11 Hill Road, the topography is grading down towards  
12 Ball Hill. So my question is whether or not this  
13 driveway could possibly lead to icing problems on  
14 Bald Hill Road.

15 THE WITNESS (Burns): Well, due to the  
16 fact that the driveway is gravel and not  
17 bituminous, my gut says that it probably won't  
18 exacerbate the situation.

19 MR. HANNON: But in the wintertime it's  
20 still ice. It doesn't seem to matter whether it's  
21 gravel or bituminous.

22 Let's see, Tab 3 also. Let me double  
23 check which map. It looks as though in this area  
24 it's fairly well developed with residential  
25 construction; is that the case? Because looking

1 at then behind Tab 5, that area just doesn't seem  
2 to have as much development; am I correct on that?  
3 And does that have any impact on where you end up  
4 looking at the towers to go?

5 THE WITNESS (Burns): Are you talking  
6 about visuals?

7 MR. HANNON: No, I'm looking at -- let  
8 me see if I can find specifically the map.

9 THE WITNESS (Burns): I will say on  
10 Bald Hill there are, I believe, 16 houses within  
11 1,000 feet of the compound. And on Richards Road  
12 there are, I believe, four residences. So I think  
13 that talks about the density of the residential.

14 MR. HANNON: Yes. And is that fairly  
15 representative of what you find in the areas where  
16 there's more development at Site A and less  
17 development at Site B?

18 THE WITNESS (Burns): I'm not sure I  
19 understand, I'm not sure I understand your  
20 question.

21 MR. HANNON: Well, no, for me  
22 development. I'm looking at, you've got a bunch  
23 of commercial buildings, residential buildings in  
24 one area, and, you know, five or six buildings in  
25 a different area that's not highly developed. So

1 I'm just trying to get an idea of where the higher  
2 intensity residential and commercial development  
3 is related to Site A and Site B.

4 THE WITNESS (Burns): As far as  
5 residential -- I'm not sure about commercial --  
6 but the higher density is definitely the Bald Hill  
7 Road site.

8 MR. HANNON: Okay, thank you. On Tab  
9 8, Site A, looking at the wetland inspection map,  
10 at least that's the title on it, and I'm looking  
11 at the site drainage and trying to get an idea.  
12 When I'm looking at the topo maps, it looks as  
13 though the drainage is southerly towards the  
14 direction of State Highway 341, am I reading that  
15 correctly, and it's not draining towards the  
16 wetlands?

17 THE WITNESS (Burns): The Bald Hill  
18 Road site drains from northwest to southeast.

19 MR. HANNON: Okay.

20 THE WITNESS (Burns): So there's  
21 wetlands on either side of the -- off site but  
22 either side of the property. So the property  
23 itself drains more towards the southeast.

24 MR. HANNON: Okay. And then dealing  
25 with the map associated with Site B, it looks as

1 though the drainage there is pretty much down in  
2 the driveway location, so it's more in a  
3 southeasterly direction as well?

4 THE WITNESS (Burns): Yeah,  
5 southwesterly direction.

6 MR. HANNON: Okay. All right. Thank  
7 you. A couple of questions. On Tab 11 on the  
8 qualification interview on Question Number 2 the  
9 question is, Have you determined that the proposed  
10 action will have no effect on the northern  
11 long-eared bat, and if you're not sure select  
12 "no." So you selected "no." But I don't know if  
13 it's because you don't know, you're unsure, or it  
14 won't have an effect. So can you let me know  
15 which it is?

16 THE WITNESS (Libertine): The answer is  
17 no, it will have no effect. That is a little  
18 confusing.

19 MR. HANNON: Okay. Well, based on what  
20 they're saying, "If you're not sure say no," I  
21 just wanted to make sure I knew what you were  
22 saying no to.

23 THE WITNESS (Libertine): Right.

24 MR. HANNON: In Tab 12 this is dealing  
25 with the 93 Richards Road. Has any work been done



1 to try to delineate where the existing septic  
2 system and well are on that site? Because it  
3 looks like the Torrington Health Area District has  
4 raised an issue there. So has anything been done  
5 there?

6 THE WITNESS (Burns): Robert Burns,  
7 All-Points. We spoke to the landlord, and his  
8 septic is in his front yard west of the house, and  
9 the well as well. So we are -- the compound is  
10 800 feet plus or minus from the septic system  
11 upgrade.

12 MR. HANNON: Okay. Thank you. And  
13 then there were already comments about the  
14 proposed or potential Warren site. My last  
15 question goes back to some comments and reading  
16 about what some other folks have said are  
17 potential alternatives to either of these sites,  
18 and that's going in with sort of the small cell  
19 units. Can you provide a little bit of detail as  
20 to why that is or is not feasible as an  
21 alternative here?

22 THE WITNESS (Lavin): Martin Lavin.  
23 The small cells, as seen along 341, it would take  
24 quite a lot of them, and it would only provide  
25 coverage right along 341 and not off the road.

1 The submission that says five along the road and  
2 two in other places will provide the coverage is  
3 just not really realistic. You're looking at just  
4 quite a lot of places just to provide coverage  
5 along that road. There's no back-up power, so in  
6 terms of FirstNet, if we had a power outage, all  
7 those small cells would go off the air. It won't  
8 provide the coverage. It's not going to provide  
9 the reliability that's needed. It's really for  
10 capacity. As we've said before, the 200 sites  
11 that are at PURA right now are really for capacity  
12 in areas that already have coverage and need to  
13 have areas of high demand offloaded from the  
14 larger sites, stadiums, arenas, college campuses,  
15 that kind of thing, where there's a lot of users  
16 all jammed into one area. Here it's just not  
17 feasible.

18 MR. HANNON: Now, assuming that you get  
19 the approval for one of these towers, are there  
20 additional towers that may be required in the  
21 area? I think you said there's not a whole lot of  
22 coverage. And then the other part of that is, are  
23 some of those other areas that may not be picked  
24 up by a tower, would those also be subject to  
25 maybe the small cell units?

1           THE WITNESS (Lavin): We have picked up  
2 some of the area we need to cover eventually. We  
3 need to pick up more of it. Macro sites with  
4 back-up power are the way to do it. There really  
5 isn't anything up in this area that lends itself  
6 to that. There's no huge density of users which  
7 is part of the reason this is a FirstNet site  
8 because it wasn't really feasible before to  
9 provide service in this area. It's not really,  
10 for any area in this area it's really not viable.  
11 The highways are not really -- lend themselves to  
12 this kind of coverage. To do this really and to  
13 have it be robust and to live through power  
14 outages and storms and things of that nature  
15 really requires the macro sites.

16           MR. HANNON: Okay. Thank you. I have  
17 no additional questions.

18           MR. SILVESTRI: Thank you, Mr. Hannon.  
19 I'd like to continue the  
20 cross-examination of the applicant this time by  
21 Ms. Guliuzza.

22           MS. GULIUZZA: Thank you, Mr.  
23 Silvestri. I think I just have a few questions.  
24 I have one follow-up question for Mr. Vergati.  
25 Mr. Vergati, I think you testified earlier that

1 you had no objection to moving the center of the  
2 project on Site A to the center of the property.  
3 And my question is whether or not you've had any  
4 discussions with the new landlord with respect to  
5 that or whether you have the leasehold rights to  
6 make that change.

7 THE WITNESS (Vergati): Sure. So maybe  
8 it's important for the Council to understand the  
9 history on the Bald Hill Road site. Homeland  
10 Towers had entered into a lease agreement with Mr.  
11 John P. Atwood back in June of 2012. We had that  
12 lease that we kept renewing, the ground lease,  
13 hoping that a carrier would take interest,  
14 obviously. During that time frame unfortunately  
15 Mr. Atwood passed away. We basically bought the  
16 property through our funding partner, Insite  
17 Towers. So, in essence, we are the landlord.  
18 That's why I can speak to the Bald Hill Road site  
19 to say, yes, if it's the Council's wishes that  
20 this would be the site, we have no objection to  
21 relocating the tower and compound to the center of  
22 the property or where it makes the most sense, if  
23 the Council feels that maybe it's a third in or  
24 whatnot, we have the rights and the ability to do  
25 that without having to get permission from a

1 landlord that we don't know because we are, in  
2 essence, our landlord.

3 MS. GULIUZZA: Thank you, sir. And I  
4 think I just have one final question. I'm not  
5 sure who this would be directed to. But the  
6 Siting Council first set of interrogatories in the  
7 response to A27 there was an indication that a  
8 noise study was underway, and I'm just wondering  
9 whether or not that's been completed.

10 THE WITNESS (Vergati): Yes. AT&T has  
11 completed a noise study at both the Bald Hill Road  
12 site as well as the Richards Road site. DBa  
13 levels at the property lines comply with all  
14 local, state noise levels, and that has been  
15 submitted into the record.

16 MS. GULIUZZA: Okay. I just couldn't  
17 find it. I must be missing it somewhere, but I'll  
18 find that then. Thank you so much, sir.

19 THE WITNESS (Vergati): I would like to  
20 add one item regarding AT&T's need for coverage in  
21 this area of Kent and Litchfield County in  
22 general. I have had correspondence with the  
23 senior RF manager with Verizon. They have  
24 indicated that they have a need for a cell site  
25 and would be willing to co-locate at some point in

1 the future on either Site A or Site B.

2 MR. AINSWORTH: Objection. Objection.

3 THE WITNESS (Vergati): They presented  
4 right now 140 --

5 MR. SILVESTRI: Hold on one second,  
6 please. Attorney Ainsworth, I think I heard you  
7 object.

8 MR. AINSWORTH: Objection. This is  
9 hearsay of the most gross and unanticipated kind.  
10 We have seen no prefiling to this effect, and it  
11 does prejudice us. Thank you.

12 MR. SILVESTRI: Thank you, Attorney  
13 Ainsworth. I will sustain your objection.

14 Mr. Vergati, can we please move on?

15 THE WITNESS (Vergati): Absolutely.

16 MR. SILVESTRI: You all set?

17 THE WITNESS (Vergati): I'm all set.

18 MR. SILVESTRI: Ms. Guliuzza, are you  
19 all set?

20 MS. GULIUZZA: I am. Thank you, Mr.  
21 Silvestri.

22 MR. SILVESTRI: Thank you. Mr.  
23 Edelson, in the time we have left your opportunity  
24 for cross-examination.

25 MR. EDELSON: Okay. Well, since

1 Mr. Vergati is there so he doesn't have to get up.  
2 I do appreciate you saying that you're willing to  
3 relocate at Site A, but as the two towers were  
4 presented to us, they were well within the 120  
5 percent tower height as far as distance to the  
6 property line. I could not find any reference to  
7 the tower construction to allow for partial  
8 falling of the tower, that there would be a  
9 mechanism by which if there was a strong wind that  
10 the tower would not fall the 150 feet or so. Can  
11 you clarify if that's part of the construction  
12 plan for the tower?

13 THE WITNESS (Vergati): Sure. And  
14 we're talking on the Bald Hill Road site?

15 MR. EDELSON: Really both, I think, are  
16 within the 120 percent.

17 THE WITNESS (Vergati): So I know the  
18 Bald Hill Road site has a hinge point designed on  
19 the tower, I believe, at 91 feet. I'm not sure --  
20 I was just informed that the hinge point on the  
21 Richards Road site is designed at 70 feet. Both  
22 those hinge points are designed so in a  
23 catastrophic failure, if that were to ever occur,  
24 each tower on the A and B sites would remain  
25 within the property boundaries. It would self

1 crinkle upon itself.

2 MR. EDELSON: Okay. And many of the  
3 applications we see usually give us radio  
4 frequency coverage at various frequencies. This  
5 proposal only had it for 700 megahertz. Can you  
6 help me understand why it's only at the one  
7 frequency?

8 THE WITNESS (Lavin): Martin Lavin  
9 again. It is a coverage site. 700 megahertz  
10 coverage is our widest coverage area. 850  
11 megahertz is the other closest spectrum. It has  
12 slightly less coverage than 700. The other  
13 spectrum at PCS frequencies, which is 1,900  
14 megahertz AWS, which is 2,100 megahertz, and  
15 possibly even the 2,300 megahertz all have  
16 significantly less coverage than 700. So in terms  
17 of footprint, 700 really defines where we cover.

18 MR. EDELSON: So you'll only have one  
19 antenna for the 700?

20 THE WITNESS (Lavin): No, I don't think  
21 so. We'll deploy the other frequencies. But just  
22 in terms of application and showing the coverage  
23 area, 700 is the leading coverage frequency. The  
24 others would all be smaller.

25 MR. EDELSON: So they will not go into



1 any other areas, there will be, let's say, a  
2 subset of what the 700 map is showing?

3 THE WITNESS (Lavin): That's correct.  
4 850 is a slightly smaller subset. PCS and AWS and  
5 WCS would be much smaller subsets.

6 MR. EDELSON: Now, I think this is also  
7 a question for you, Mr. Lavin. Many of the public  
8 comments referred to the small cell as a viable  
9 alternative.

10 THE WITNESS (Lavin): Yes.

11 MR. EDELSON: And as noted before by  
12 Mr. Stebbins, the FirstNet is a key public benefit  
13 that you're trying to achieve here or that you  
14 stated in the submission. Is a small cell  
15 approach consistent with FirstNet?

16 THE WITNESS (Lavin): I don't think so,  
17 not at all, no, in terms of --

18 MR. EDELSON: Could you elaborate on  
19 that because, again, a lot of people are touting  
20 the small cell?

21 THE WITNESS (Lavin): In terms of  
22 coverage, it won't even remotely approach what the  
23 macro sites will do. In terms of robustness, it  
24 has no power backup available to us, so when the  
25 power goes out the coverage disappears. To

1 replicate all of the coverage would require dozens  
2 upon dozens of small cells stuck in the trees, on  
3 private property where no one wants us. It would  
4 be extremely intrusive and basically totally  
5 impractical to build to replicate the coverage  
6 that we get from the macro sites.

7 MR. EDELSON: Now, as I think you've  
8 referred to, you know, this is not the last tower  
9 that's going to be needed to meet coverage in  
10 Kent.

11 THE WITNESS (Lavin): No.

12 MR. EDELSON: And I know it's probably  
13 pretty difficult to be precise, but can you give  
14 an estimate of how many more towers do you believe  
15 AT&T would need to give the type of coverage you  
16 want, especially with FirstNet in mind, to the  
17 Town of Kent?

18 THE WITNESS (Lavin): Well, within the  
19 Town of Kent you're probably looking at, without  
20 knowing AT&T's plans, at least two more.

21 MR. EDELSON: Okay, two more sites.  
22 And I think my next question is for Mr. Libertine.

23 THE WITNESS (Libertine): Yes, sir.

24 MR. EDELSON: I think you might have  
25 seen one of the public comments came from Steep

1 Rock Association, and their concern was the view  
2 from Waramaug rock which is the top of a beautiful  
3 hike to the east of Lake Waramaug.

4 THE WITNESS (Libertine): Yes, sir.

5 MR. EDELSON: And based on what you --  
6 and that's outside of the 2 mile zone. But from  
7 the top of that hill looking west, can you give us  
8 a sense of what you think a typical viewer might  
9 see if they were looking towards the tower at  
10 either Site A or B?

11 THE WITNESS (Libertine): Certainly.  
12 The ridgelines would be visible. That's probably  
13 about 5 miles, maybe a little bit less than that,  
14 away. So you're at distance. I think, again, as  
15 I said earlier, if you know what you're looking  
16 for on the horizon, you could probably pick out  
17 something above the treeline and say, uh-huh,  
18 that's probably a tower, but it's not going to be  
19 a prominent focal point certainly on the horizon  
20 from that distance.

21 MR. EDELSON: And if we look at the, I  
22 think it was photo simulation number 6, which I  
23 think was at the far end -- or, sorry, at the  
24 western end of Lake Waramaug, it would be even  
25 smaller than that in terms of what you would see?

1 THE WITNESS (Libertine):

2 Substantially, yes, sir.

3 MR. EDELSON: I mean, substantially  
4 being like 50 percent of that?

5 THE WITNESS (Libertine): I'm sorry,  
6 hold on one second, if you would? 6 may be the  
7 wrong number. Let me just double check.

8 MR. EDELSON: I think I did number 6 by  
9 memory. That might not be the right one.

10 THE WITNESS (Libertine): Yes, that's a  
11 little bit beyond 2 miles if we're talking about  
12 view number 6 from Beardsley Road associated with  
13 Site B. Is that what you're looking at?

14 MR. EDELSON: Yes.

15 THE WITNESS (Libertine): Yes, it  
16 would. It would be you're basically doubling the  
17 distance away from that particular location. It  
18 would be at a much higher elevation, but it would  
19 certainly be substantially less visible just  
20 because of the distance.

21 MR. EDELSON: Okay. Well, thank you.  
22 And I believe, Mr. Silvestri, those are all the  
23 questions I have.

24 MR. SILVESTRI: Thank you, Mr. Edelson.  
25 I'd like to continue, seeing that we have a little

1 bit more time, with cross-examination by Mr.  
2 Lynch.

3 (No response.)

4 MR. SILVESTRI: Mr. Lynch, are you  
5 still with us? I'll try it again. Mr. Lynch?

6 (No response.)

7 MR. HARDER: Mr. Silvestri, this is  
8 Mike Harder. If Mr. Lynch does not rejoin, I have  
9 that follow-up question that I could throw out  
10 there.

11 MR. SILVESTRI: Why don't you go ahead,  
12 Mr. Harder, and we'll see what happens after that,  
13 but please proceed.

14 MR. HARDER: Okay. Actually, a  
15 follow-up from my own notes but then from the  
16 testimony of Colonel Stebbins. But firstly from  
17 my notes, one of the speakers just mentioned that  
18 the estimate was at least two, and perhaps more,  
19 towers would be needed to build out an appropriate  
20 system for the Town of Kent. And I'm just  
21 wondering, especially for the Town of Kent where  
22 they do need more and with the topography and the  
23 obvious sentiment in town, at least from AT&T's  
24 standpoint, and perhaps looking at the bigger  
25 picture, why is it being done one at a time, why

1 not do a more regional plan so not only the  
2 Council but the public and other interested  
3 parties can get a better overall picture of what  
4 the system would look like so they're not coming  
5 back to the whole process, you know, time after  
6 time?

7 THE WITNESS (Lavin): There's so  
8 much -- I mean, these sites aren't necessarily  
9 even going to be in Kent. Given the topography,  
10 they could be in nearby towns to provide service,  
11 as happens frequently in this area, budgetary  
12 reasons, the planning isn't done far out, a lot  
13 changes along the way. This site has been in the  
14 pipeline for eight years now. So even saying two  
15 sites is, I think, a reasonable estimate, but  
16 heaven knows where they'd be. They haven't gone  
17 through any of the process yet. There's so much  
18 that goes into it, I don't think we can really say  
19 firmly until we get to this point exactly where  
20 the sites will be.

21 MR. HARDER: Right. But, I mean,  
22 wouldn't it be -- I mean, it certainly seems that  
23 it would be feasible. You don't know that  
24 information now, but if you step back, would it be  
25 feasible to get that information as part of an

1 overall, more of a regional plan, and if that  
2 means looking outside the Town of Kent, that's  
3 what it would mean?

4 THE WITNESS (Lavin): I don't know how  
5 much hard information we can get or how far out  
6 ahead of time.

7 MR. HARDER: Okay. The only other  
8 question I had is a follow-up on Colonel Stebbins'  
9 testimony. It was useful testimony for sure, but  
10 the question I have is -- I didn't catch it  
11 perhaps at first -- is Colonel Stebbins associated  
12 in any way with FirstNet? Is he a representative  
13 of FirstNet?

14 THE WITNESS (Stebbins): Can I answer  
15 that?

16 MS. CHIOCCHIO: Yes, Dan, go ahead,  
17 please answer.

18 THE WITNESS (Stebbins): I am working  
19 with FirstNet and AT&T. I had retired for about  
20 three and a half years, and they called me up and  
21 asked me on the federal side if I would get  
22 involved with this because they know at some  
23 locations this is a hard sell for obvious reasons.  
24 I had been bad mouthing the communication system  
25 here in Connecticut when it came to emergencies

1 for years. It has let us down several times. So  
2 they showed me what they have, how it works, how  
3 it's improved our services greatly, and I came out  
4 of retirement to do this. This is the right thing  
5 to do.

6 MR. HARDER: So you're working for or  
7 with FirstNet?

8 THE WITNESS (Stebbins): I work for  
9 AT&T in the FirstNet division.

10 MR. HARDER: Okay. So when you said,  
11 you made the comment that "we have a contract,"  
12 the "we" is?

13 THE WITNESS (Stebbins): "We" is AT&T,  
14 correct.

15 MR. HARDER: Okay.

16 THE WITNESS (Stebbins): They won the  
17 national contract.

18 MR. HARDER: Okay. All right. That's  
19 all I had. Thank you, Mr. Silvestri.

20 MR. SILVESTRI: Thank you, Mr. Harder.  
21 Colonel Stebbins, from the pre-hearing  
22 submission from the applicant I have you listed at  
23 AT&T FirstNet Solutions consultant; is that  
24 correct?

25 THE WITNESS (Stebbins): Yes, it is,



1 sir. Thank you.

2 MR. SILVESTRI: Very good. Thank you.

3 Ladies and gentlemen, at this time the  
4 Council will recess until 6:30 p.m. this evening,  
5 at which time we will commence the public comment  
6 session of this remote public hearing.

7 MR. DiPENTIMA: Mr. Chairman?

8 MR. SILVESTRI: Sir.

9 MR. DiPENTIMA: Yes. May I just  
10 inquire, will the witnesses be called back after  
11 the public hearing, or could we allow our  
12 witnesses to go home?

13 MR. SILVESTRI: You could allow your  
14 witnesses to go home. Once we finish the public  
15 hearing, we will adjourn for the evening.

16 MR. DiPENTIMA: Thank you, Mr.  
17 Chairman.

18 MR. SILVESTRI: Thank you for asking.  
19 Thank you. And again, we'll be back here for  
20 6:30. Thank you, all.

21 (Whereupon, the witnesses were excused  
22 and the above proceedings adjourned at 5:03 p.m.)  
23  
24  
25

1 CERTIFICATE OF REMOTE HEARING

2  
3 I hereby certify that the foregoing 129 pages  
4 are a complete and accurate computer-aided  
5 transcription of my original stenotype notes taken  
6 of the HEARING HELD BY REMOTE ACCESS IN RE:  
7 DOCKET NO. 488, HOMELAND TOWERS, LLC AND NEW  
8 CINGULAR WIRELESS PCS, LLC d/b/a AT&T APPLICATION  
9 FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY  
10 AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE,  
11 AND OPERATION OF A TELECOMMUNICATIONS FACILITY  
12 LOCATED AT ONE OF TWO SITES: KENT TAX ASSESSOR ID  
13 #M10, BLOCK 22, LOT 38 BALD HILL ROAD OR 93  
14 RICHARDS ROAD, KENT, CONNECTICUT, which was held  
15 before ROBERT SILVESTRI, PRESIDING OFFICER, on  
16 July 23, 2020.

17  
18  
19 

20 -----  
21 Lisa L. Warner, CSR 061  
22 Court Reporter  
23 BCT REPORTING, LLC  
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25 PLAINVILLE, CONNECTICUT 06062

I N D E X

WITNESSES RAYMOND VERGATI SWORN ON PAGE 30  
HARRY CAREY  
ROBERT BURNS  
MICHAEL LIBERTINE  
BRIAN GAUDET  
MARTIN LAVIN  
DAN STEBBINS

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APPLICANTS' EXHIBITS  
(Received in evidence)

EXHIBIT	DESCRIPTION	PAGE
II-B-1	Application for a Certificate of Environmental Compatibility and Public Need filed by Homeland Towers, LLC and New Cingular Wireless PCS, LLC d/b/a AT&T received February 28, 2020, and attachments and bulk file exhibits including: a. Kent Connecticut 2012 Plan of Conservation and Development. b. Zoning Regulations, Town of Kent, Connecticut, adopted 1965, effective December 30, 2019. c. Zoning map, Town of Kent, Connecticut, effective July 1, 2018. d. Inland Wetlands and Watercourses regulations, Town of Kent, Connecticut, originally adopted July 1, 1988, revised effective date March 15, 2019. e. Technical report.	34

1 I n d e x: (Cont'd.)

2 EXHIBIT	DESCRIPTION	PAGE
4 II-B-2	Applicants' responses to Council interrogatories, Set One, dated 5 April 17, 2020.	34
6 II-B-3	Protective order related to unredacted lease agreement, signed 7 April 23, 2020.	34
8 II-B-4	Applicants' responses to Bald Hill Road Neighbors' interrogatories, Set One, dated May 15, 2020.	34
9 II-B-5	Applicants' responses to Planned Development Alliance of Northwestern 10 Connecticut, Inc. interrogatories, Set One, dated May 15, 2020.	34
11 II-B-6	Applicants' supplemental submission, dated July 16, 2020.	34
12 II-B-7	Applicants' responses to Council interrogatories, Set Two, dated July 16, 2020.	34
13 II-B-8	Applicants' responses to the Town of Kent interrogatories, Set One, dated 14 July 16, 2020.	34
15 II-B-9	Applicants' responses to the Bald Hill Neighbors' interrogatories, Set Two, dated July 16, 2020.	34
16 II-B-10	Applicants' affidavit of sign posting, dated July 16, 2020.	34

17  
18 **\*\*All exhibits were retained by the Council.**

19 **\*\*\*Additional information requested of the**  
20 **Applicants discussed on pages 82 and 94.**