

1 STATE OF CONNECTICUT
2 CONNECTICUT SITING COUNCIL

3
4 Docket No. 489

5 The First Taxing District Water Department of
6 Norwalk application for a Certificate of
7 Environmental Compatibility and Public Need for
8 the construction, maintenance, and operation of a
9 telecommunications facility located at 173 1/2
10 West Rocks Road, Norwalk, Connecticut.

11
12 VIA ZOOM AND TELECONFERENCE

13
14 Public Hearing held on Tuesday, September 15,
15 2020, beginning at 2 p.m. via remote access.
16

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

19 ROBERT SILVESTRI, Presiding Officer
20

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22
23
24 Reporter: Lisa L. Warner, CSR #061
25

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 **DANIEL P. LYNCH, JR.**

9 **JOHN MORISSETTE**

10 **MICHAEL HARDER**

11 **EDWARD EDELSON**

12
13 **Council Staff:**

14 **MELANIE BACHMAN, ESQ.**

15 **Executive Director and**
16 **Staff Attorney**

17
18 **MICHAEL PERRONE**

19 **Siting Analyst**

20
21 **LISA FONTAINE**

22 **Fiscal Administrative Officer**

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

2
3 **For the First Taxing District Water**

4 **Department:**

5 **ROBINSON & COLE LLP**
6 **280 Trumbull Street**
7 **Hartford, Connecticut 06103-3597**

8 **BY: KENNETH C. BALDWIN, ESQ.**

9
10 **Local counsel, First Taxing District:**

11 **TIERNEY, ZULLO, FLAHERTY & MURPHY, P.C.**
12 **134 East Avenue**
13 **Norwalk, Connecticut 06852**

14 **BY: KARA A.T. MURPHY, ESQ.**

15
16
17 **For New Cingular Wireless PCS, LLC:**

18 **CUDDY & FEDER, LLP**
19 **445 Hamilton Avenue, 14th Floor**
20 **White Plains, New York 10601**

21 **BY: KRISTEN MOTEL, ESQ.**

1 MR. SILVESTRI: This remote public
2 hearing is called to order this Tuesday, September
3 15, 2020, at 2 p.m. My name is Robert Silvestri,
4 member and presiding officer of the Connecticut
5 Siting Council. I'll ask other members of the
6 Council to acknowledge that they are present when
7 introduced for the benefit of those who are only
8 on audio.

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

12 (No response.)

13 MR. SILVESTRI: Mr. Hannon?

14 MR. HANNON: I'm present physically.

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

16 Ms. Linda Guliuzza, designee for
17 Chairman Marissa Paslick Gillett of the Public
18 Utilities Regulatory Authority.

19 (No response.)

20 MR. HANNON: Did you hear me?

21 MR. SILVESTRI: I could hear Mr.
22 Hannon. And I will say, Mr. Hannon, that there is
23 a delay on your computer. I could tell now
24 because I did hear feedback coming through.

25 So Ms. Linda Guliuzza, are you present?

1 (No response.)

2 MR. SILVESTRI: Moving on, Mr. John
3 Morissette.

4 MR. MORISSETTE: Good afternoon, Mr.
5 Silvestri. I am present.

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

8 Mr. Edward Edelson.

9 MR. EDELSON: Present.

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

12 (No response.)

13 MR. SILVESTRI: Moving forward,
14 Mr. Daniel P. Lynch, Jr.

15 MR. LYNCH: Present, Mr. Chairman.

16 MR. SILVESTRI: Thank you, Mr. Lynch.
17 Members of the staff. Executive
18 Director Staff Attorney, Ms. Melanie Bachman.

19 MS. BACHMAN: Present. Thank you.

20 MR. SILVESTRI: Thank you. Siting
21 Analyst, Mr. Michael Perrone.

22 MR. PERRONE: Present. Thank you.

23 MR. SILVESTRI: Thank you. And Fiscal
24 Administrative Officer, Ms. Lisa Fontaine.

25 MS. FONTAINE: Present.

1 MR. SILVESTRI: Thank you also.

2 As everyone is keenly aware, there is
3 currently a statewide effort to prevent the spread
4 of the Coronavirus. This is why the Council is
5 holding this remote public hearing, and we ask for
6 your patience.

7 And again, if you haven't done so
8 already, I ask that everyone please mute their
9 computer audio and/or telephone at this time.

10 This hearing is held pursuant to the
11 provisions of Title 16 of the Connecticut General
12 Statutes and of the Uniform Administrative
13 Procedure Act upon an application from The First
14 Taxing District Water Department for a Certificate
15 of Environmental Compatibility and Public Need for
16 the construction, maintenance, and operation of a
17 telecommunications facility located at 173 and 1/2
18 West Rocks Road in Norwalk, Connecticut. This
19 application was received by the Council on March
20 17, 2020.

21 The Council's legal notice of the date
22 and time of this remote public hearing was
23 published in The Norwalk Hour on August 11, 2020.
24 Upon this Council's request, the applicant erected
25 a sign at the proposed site so as to inform the

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

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

8 The parties and intervenors to the
9 proceeding are as follows: Applicant is The First
10 Taxing District Water Department, its
11 representative Kenneth C. Baldwin, Esquire, from
12 Robinson & Cole LLP. Intervenor, New Cingular
13 Wireless PCS, LLC, doing business, I believe, as
14 AT&T, its representative Lucia Chiocchio, Esquire,
15 and Kristen Motel, Esquire, from Cuddy & Feder
16 LLP.

17 We will proceed in accordance with the
18 prepared agenda, a copy of which is available on
19 the Council's Docket No. 489 web page, along with
20 the record of this matter, the public hearing
21 notice, instructions for public access to this
22 remote public hearing, and the Council's Citizens
23 Guide to Siting Council Procedures. Interested
24 persons may join any session of this public
25 hearing to listen, but no public comments will be

1 received during the 2 p.m. evidentiary session.
2 At the end of the evidentiary session, we will
3 recess until 6:30 p.m. for the public comment
4 session. And please be advised that any person
5 may be removed from the remote evidentiary session
6 or public comment session at the discretion of the
7 Council.

8 The 6:30 p.m. public comment session is
9 reserved for the public to make brief statements
10 into the record. And I wish to note that the
11 applicant, parties and intervenors, including
12 their representatives, witnesses and members, are
13 not allowed to participate in the public comment
14 session.

15 I also wish to note for those who are
16 listening and for the benefit of your friends and
17 neighbors who are unable to join us for this
18 remote public comment session, that you or they
19 may send written statements to the Council within
20 30 days of the date hereof either by mail or by
21 email, and such written statements will be given
22 the same weight as if spoken during the remote
23 public comment session.

24 A verbatim transcript of this remote
25 public hearing will be posted on the Council's

1 Docket No. 489 web page and deposited with the
2 Norwalk City Clerk's office for the convenience of
3 the public.

4 And the Council will take a 10 to 15
5 minute break somewhere at a convenient junction,
6 possibly around 3:30 p.m., again, depending on
7 where we're proceeding.

8 I wish to call your attention to those
9 items shown on the hearing program marked as Roman
10 numeral I-B, Items 1 through 77, that the Council
11 has administratively noticed.

12 Does any party or intervenor have an
13 objection to the items that the Council has
14 administratively noticed? Attorney Baldwin.

15 MR. BALDWIN: No objection.

16 MR. SILVESTRI: Thank you. Attorney
17 Motel.

18 MS. MOTEL: No objection.

19 MR. SILVESTRI: Thank you also.

20 Accordingly, the Council hereby administratively
21 notices those items.

22 (Administrative Notice Items I-B-1
23 through I-B-77: Received in evidence.)

24 MR. SILVESTRI: I'd like to start now
25 with the joint appearance by the applicant and the

1 intervenor. And will the applicant and intervenor
2 present their witness panel for the purpose of
3 taking the oath.

4 MR. BALDWIN: Thank you, Mr. Silvestri.
5 Good afternoon, everybody. It's a unique and
6 first experience for me anyway, but I appreciate
7 the effort that's gone into this. This is a bit
8 of a unique situation here. We represent the
9 First Taxing District, but this application is
10 presented in cooperation with AT&T Wireless,
11 Verizon Wireless and T-Mobile toward the common
12 end of getting a tower approved on the First
13 Taxing District Property in Norwalk.

14 Our witness panel today -- let me just
15 stop for a second, if I could, Mr. Silvestri. I
16 also want to introduce Attorney Kara Murphy.
17 Attorney Murphy is local counsel in Norwalk for
18 the First Taxing District in all other matters
19 with the exception of this proceeding, but she is
20 joining us today as counsel for the First Taxing
21 District as well.

22 Our witness panel is listed in the
23 hearing program, but let me introduce everybody
24 quickly. First and foremost is Dominick DiGangi.
25 Mr. DiGangi is the general manager for The First

1 Taxing District Water Department. Here with me in
2 Hartford is Mike Libertine, the director of siting
3 and permitting with All-Points Technology and
4 Jason Mead, the project engineer with All-Points
5 Technology.

6 On behalf of Verizon Wireless, we have
7 Shiva Gadasu, a radio frequency engineer; and
8 Anthony Befera, a principal engineer regarding
9 real estate and regulatory matters, for Verizon
10 Wireless.

11 Next, we have Dan Bilezikian, a site
12 consultant with SAI Group on behalf of AT&T. And
13 I don't see him, but we should have Martin Lavin
14 who will also be joining us as the RF consultant
15 for AT&T Wireless.

16 On behalf of T-Mobile, we have Hans
17 Fiedler, who is the director of network
18 engineering and operations for Connecticut and
19 upstate New York; and Alex Murillo, who is
20 T-Mobile's senior RF engineer on behalf of the
21 wireless carrier T-Mobile.

22 And I offer them all to be sworn in
23 with the exception of Mr. Lavin who I don't see on
24 the screen at this point. So I offer all but
25 Mr. Lavin to be sworn in, Mr. Silvestri.

1 MS. MOTEL: Attorney Baldwin.

2 MR. SILVESTRI: Whoever that is, please
3 continue.

4 MS. MOTEL: Attorney Baldwin, if I may
5 interrupt, it's Kristen Motel on behalf of AT&T.
6 Martin Lavin is having issues with his camera, but
7 he is here with us via audio, so he can be sworn
8 in as well.

9 MR. SILVESTRI: Very good. Thank you,
10 Attorney Motel. Thank you, Attorney Baldwin.

11 And I'll ask Attorney Bachman if she
12 would please administer the oath.

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

14 Would the witnesses please raise your right hand?

15 D O M I N I C K D I G A N G I,

16 M I C H A E L L I B E R T I N E,

17 J A S O N M E A D,

18 S H I V A G A D A S U,

19 A N T H O N Y B E F E R A,

20 M A R T I N L A V I N,

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

22 A L E X M U R I L L O,

23 H A N S F I E D L E R,

24 called as witnesses, being first duly sworn

25 (remotely) by Ms. Bachman, were examined and

1 testified on their oaths as follows:

2 MR. BALDWIN: I think that's everybody.

3 MS. BACHMAN: Thank you.

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

6 And Attorney Motel, I take it that
7 Mr. Lavin was also there to affirm.

8 MS. MOTEL: I believe he unmuted his
9 microphone, yes.

10 MR. SILVESTRI: Very good. Thank you.

11 Attorney Baldwin, could you please
12 begin by verifying all exhibits by the appropriate
13 sworn witnesses?

14 MR. BALDWIN: Certainly. Thank you.
15 It's a good system, not a perfect system, but
16 we'll muddle through. There are eight exhibits
17 that we've submitted on behalf of the joint
18 parties. They are listed in the hearing program
19 under Roman II, subsection B. They include the
20 application, interrogatory responses, and other
21 exhibits.

22 For the purposes of the verification,
23 Mr. Silvestri, I think we can probably limit the
24 questions, at least as far as the carriers go, to
25 the RF engineers since much of the information --

1 all of the information contained that is carrier
2 specific is related to RF issues, and then we'll
3 ask Mr. DiGangi, Mr. Mead and Mr. Libertine to
4 address the other issues.

5 DIRECT EXAMINATION

6 MR. BALDWIN: So with that, did you
7 prepare or assist in the preparation of the
8 exhibits listed in the hearing program under Roman
9 II, subsection B, Item 1 through 8? Mr.
10 Libertine.

11 THE WITNESS (Libertine): Yes.

12 MR. BALDWIN: Mr. DiGangi.

13 THE WITNESS (DiGangi): Yes.

14 MR. BALDWIN: Mr. Mead.

15 THE WITNESS (Mead): Yes.

16 MR. BALDWIN: Mr. Gadasu.

17 (No response.)

18 MR. BALDWIN: Shiva?

19 (No response.)

20 MR. BALDWIN: We'll come back. Mr.
21 Murillo.

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

23 MR. BALDWIN: Mr. Lavin.

24 THE WITNESS (Lavin): Yes.

25 MR. BALDWIN: And Mr. Gadasu.

1 THE WITNESS (Gadasu): (Indicating.)

2 MR. SILVESTRI: Attorney Baldwin, I see
3 that he's off mute. He did give you a wave.

4 MR. BALDWIN: That's enough.

5 MR. SILVESTRI: I'm not sure why it's
6 not coming through on the audio part of it, but I
7 did see the wave as acknowledgement.

8 MR. BALDWIN: Okay. Thank you.

9 And do you have any corrections,
10 modifications or amendments to offer to any of
11 those exhibits at this time? Mr. DiGangi.

12 THE WITNESS (DiGangi): No.

13 MR. BALDWIN: Mr. Libertine.

14 THE WITNESS (Libertine): I have one
15 notification that I just want to get on the
16 record. The original posting for the public sign
17 did have the original date of the hearing, but
18 once it was postponed we did go out and update
19 that to today's date, and that was done the
20 following Tuesday on August 11th. So that sign
21 reflected today's hearing.

22 MR. BALDWIN: Thank you. Mr. Mead.

23 THE WITNESS (Mead): No.

24 MR. BALDWIN: I'll try this again.

25 Mr. Gadasu, any corrections or modifications to

1 offer?

2 THE WITNESS (Gadasu): Can you hear me
3 now?

4 MR. SILVESTRI: Yes, we can.

5 THE WITNESS (Gadasu): Sorry about
6 that. I'm sorry, what was the question again?

7 MR. BALDWIN: Do you have any
8 modifications or amendments to offer to those
9 exhibits that you're verifying?

10 THE WITNESS (Gadasu): Not that I'm
11 aware of.

12 (Pause.)

13 MR. SILVESTRI: Attorney Baldwin, I
14 think I lost you.

15 THE WITNESS (Gadasu): I'm sorry. This
16 is Shiva again. Was that a question for me? I
17 lost you for a second.

18 MR. BALDWIN: You're all set, Shiva.
19 If you could just put your phone back on mute,
20 that would be great.

21 Mr. Murillo, can you hear me?

22 THE WITNESS (Murillo): Yes, I can hear
23 you.

24 MR. BALDWIN: Any corrections or
25 modifications to offer to the exhibits you

1 verified?

2 THE WITNESS (Murillo): No, no
3 corrections.

4 MR. BALDWIN: And Mr. Lavin, any
5 corrections or modifications to offer?

6 THE WITNESS (Lavin): Martin Lavin.
7 No.

8 MR. BALDWIN: Are the exhibits as
9 modified or amended true and accurate to the best
10 of your knowledge? We'll go around the horn
11 again. Mr. DiGangi.

12 THE WITNESS (DiGangi): Yes.

13 MR. BALDWIN: Mr. Libertine.

14 THE WITNESS (Libertine): Yes.

15 MR. BALDWIN: Mr. Mead.

16 THE WITNESS (Mead): Yes.

17 MR. BALDWIN: Mr. Lavin, we'll start
18 with you first.

19 THE WITNESS (Lavin): Martin Lavin.
20 Yes.

21 MR. BALDWIN: Mr. Gadasu.

22 THE WITNESS (Gadasu): Shiva Gadasu.
23 Yes.

24 MR. BALDWIN: And Mr. Murillo.

25 THE WITNESS (Murillo): Yes.

1 MR. BALDWIN: And do you adopt the
2 information contained in these exhibits as your
3 testimony in this proceeding? Mr. DiGangi.

4 THE WITNESS (DiGangi): Yes.

5 MR. BALDWIN: Mr. Libertine.

6 THE WITNESS (Libertine): Yes.

7 MR. BALDWIN: Mr. Mead.

8 THE WITNESS (Mead): Yes.

9 MR. BALDWIN: Mr. Murillo.

10 THE WITNESS (Murillo): Yes.

11 MR. BALDWIN: Mr. Gadasu.

12 THE WITNESS (Gadasu): Yes.

13 MR. BALDWIN: Mr. Lavin.

14 THE WITNESS (Lavin): Martin Lavin.

15 Yes.

16 MR. BALDWIN: I think we're done.

17 Thank you. We offer them as full exhibits, Mr.
18 Silvestri.

19 MR. SILVESTRI: Thank you, Attorney
20 Baldwin. The exhibits are admitted. Thank you.

21 (Applicant and Intervenor Exhibits
22 II-B-1 through II-B-8: Received in evidence -
23 described in index.)

24 MR. SILVESTRI: We'll now begin with
25 cross-examination of the applicant and the

1 intervenor by the Council starting with Mr.
2 Perrone.

3 MR. PERRONE: Thank you, Mr. Silvestri.

4 CROSS-EXAMINATION

5 MR. PERRONE: My first question: Would
6 Sprint's co-location be constructed on this tower?

7 THE WITNESS (Fiedler): This is Hans
8 Fiedler from T-Mobile. Yes.

9 MR. PERRONE: Referencing the response
10 to Council Interrogatory 23 where it discussed the
11 signal strength thresholds, for T-Mobile it
12 mentions T-Mobile designs its network for
13 in-vehicle coverage, in-building residential and
14 in-building commercial. Can you tell us what
15 those thresholds are?

16 THE WITNESS (Murillo): Yes, I can.
17 Alex Murillo, T-Mobile. T-Mobile designs for
18 three thresholds. The in-building commercial is
19 that of neg 91. In-building residential is that
20 of neg 97. And in-car coverage is that of neg
21 114. And that is on our mid-band layer.

22 MR. PERRONE: And in response to
23 Council Interrogatory 24, the question relates to
24 existing signal strengths. If the site were
25 deactivated, for T-Mobile would you have a number

1 for that? I understand Verizon it would be
2 greater than or equal to neg 105, but would you
3 have a number for T-Mobile?

4 THE WITNESS (Murillo): If our site, if
5 our current site was deactivated and the proposed
6 site is not functional, the coverage in the area
7 would be basically composed of in-car coverage
8 around neg 114 threshold.

9 MR. PERRONE: Question 21 relates to
10 the minimum heights that each carrier would need
11 to achieve their coverage objectives. My question
12 is -- and this is for each carrier -- what would
13 be the consequences if the tower were 10 feet
14 shorter, i.e., each carrier were pushed down 10
15 feet?

16 THE WITNESS (Murillo): I'll start with
17 T-Mobile. For us, 106 feet would work from the
18 proposed facility because it provides comparable
19 coverage to what our existing coverage was from
20 the water tank, and that is our minimum height
21 that we can allow. Anything lower than that we
22 can start getting close to the treeline. So
23 especially going toward the northeast on the
24 Merritt Parkway, it can cause some further
25 coverage degradations.

1 MR. PERRONE: And for Verizon, if the
2 tower were 10 feet lower, what would be the
3 consequences of that?

4 THE WITNESS (Gadasu): This is Shiva
5 Gadasu from Verizon. That would be the same case.
6 We are right now asking for 116 feet centerline,
7 but if we go any lower we'll get into the
8 treeline, same thing.

9 MR. PERRONE: And for AT&T, if the
10 tower were 10 feet shorter?

11 THE WITNESS (Lavin): Since we're in
12 the top position, of course, we would feel it the
13 least, but I think we'd lose some continuity along
14 Merritt Parkway. The main impact would be on the
15 carrier in the third position down below us.

16 MR. PERRONE: And back to T-Mobile, how
17 would that impact Sprint as well?

18 THE WITNESS (Fiedler): From a Sprint
19 perspective, they're at 96, so that pushes us not
20 only further into the treeline but also further
21 into obstructions from the water tank. So not
22 optimal, right. So all the heights that we've
23 identified in our, you know, analysis and
24 testimony is driving towards replication of what
25 is currently existing and what we intend to

1 replicate. So those heights have been vetted at
2 this juncture.

3 MR. PERRONE: Turning to the
4 supplemental response to Interrogatory 14, dated
5 June 2nd, there are attached drawings. I'm going
6 to focus on drawing C-2, the compound plan. I see
7 Verizon's generator on the concrete pad. Would
8 Verizon's radio and battery cabinets be located on
9 the same concrete pad?

10 THE WITNESS (Befera): I thought
11 everything was together.

12 THE WITNESS (Mead): I can answer that
13 one. Jason Mead for All-Points. Yes, everything
14 will be integrated on the same 10 by 20 pad. It
15 would also be protected with an ice canopy.

16 MR. PERRONE: How tall is the ice
17 canopy?

18 THE WITNESS (Mead): Typically in the
19 region of 10 feet.

20 MR. PERRONE: How many cabinets total
21 for the battery?

22 THE WITNESS (Mead): It varies
23 depending on the application. What we've seen
24 more recently is usually one, maybe two cabinets,
25 depending on the technology that's being deployed.

1 MR. PERRONE: Moving on to AT&T with
2 similar questions, I also see just a concrete pad
3 depicted with the generator. For AT&T, how many
4 cabinets, and would that still be on the same pad?

5 THE WITNESS (Bilezikian): This is Dan
6 Bilezikian. It would be a walk-in cabinet, 8 by 8
7 concrete walk-in cabinet on the 10 by 20 pad.

8 MR. PERRONE: About how tall on the
9 cabinet?

10 THE WITNESS (Bilezikian): I believe
11 it's about 8 feet tall.

12 MR. PERRONE: Okay. And you'd still
13 have a canopy over that?

14 THE WITNESS (Bilezikian): I believe
15 so.

16 MR. PERRONE: Okay.

17 THE WITNESS (Mead): Yes, that is
18 correct, due to the proximity of the tower itself.

19 MR. PERRONE: And the canopy height?

20 THE WITNESS (Mead): Again, probably
21 around 9 to 10 feet, depending on the size of the
22 cabinet below.

23 MR. PERRONE: Okay. And I'm going to
24 move on to T-Mobile. Also looking at drawing C-2
25 where I see the concrete pad locations, but I

1 don't see it labeled specifically, which pad
2 location is T-Mobile, would they locate on?

3 THE WITNESS (Mead): Jason Mead from
4 All-Points. At this time, the locations for
5 T-Mobile and Sprint were not determined. That is,
6 they are undesignated at this time.

7 MR. PERRONE: And those would be
8 separate locations for T-Mobile and Sprint?

9 THE WITNESS (Mead): Yes, but
10 ultimately that decision would come down to
11 T-Mobile.

12 THE WITNESS (Fiedler): At the present
13 time, we've kept it simplistic to where there's
14 two locations. Whether we consolidate those,
15 we'll work with The Taxing District on that.

16 MR. PERRONE: Would you have ice
17 canopies too, or that hasn't been determined yet?

18 THE WITNESS (Mead): Jason Mead again
19 from All-Points. I think given the proximity to
20 the town and the concern for ice, it would be wise
21 and prudent to install canopies at those
22 locations, yes.

23 MR. PERRONE: Okay. In response to
24 Council Interrogatory 7, it says that the tower
25 could be designed with a yield point to ensure

1 that the tower setback radius remains within the
2 boundaries of the subject property. As far as the
3 yield point itself, does that mean that the lower
4 section is overdesigned relative to the upper
5 section?

6 THE WITNESS (Mead): Jason Mead from
7 All-Points. Yes, that is indeed correct. The
8 lower sections would be increased in section so
9 that a theoretical yield point would occur at the
10 designated location. That location would coincide
11 with the nearest property line.

12 MR. PERRONE: And with that design,
13 what would be the risk of a failure in the lower
14 section or the base of the tower?

15 THE WITNESS (Mead): Jason Mead from
16 All-Points. The risk from failure is extremely
17 unlikely due to the significant load factors that
18 are applied to the design of the monopole
19 structure. The installation of a yield point
20 would guarantee a full radius reducing the load on
21 the upper structure and therefore eliminating any
22 possibility of further collapse of the structure.

23 MR. PERRONE: Do you anticipate the
24 need for blasting to construct this facility?

25 THE WITNESS (Mead): Jason Mead from

1 All-Points again. And Dominick could probably
2 answer this also. There has been a geotechnical
3 report prepared for the purpose of the main
4 hydropillar water tank. A quick review of that
5 report suggests that this particular site consists
6 of some glacial till, forest mat, with the
7 occasional boulders.

8 Blasting would probably be unlikely,
9 very unlikely to this site. If we were to
10 encounter any rock, we would be looking at
11 traditional methods of using a hoe ram to remove
12 those boulders. As stated in the report, the
13 boulders vary from anything from one and a half to
14 two and a half feet, as detected, at this time.

15 MR. PERRONE: Would the proposed
16 project comply with the 2002 Connecticut
17 Guidelines for Soil Erosion and Sediment Control?

18 THE WITNESS (Libertine): Mike
19 Libertine. Yes, they would.

20 MR. PERRONE: And also, would the
21 project comply with the 2004 Connecticut
22 Stormwater Quality Manual?

23 THE WITNESS (Libertine): Did you hear
24 us?

25 MR. BALDWIN: Did you get those two

1 responses, Mr. Perrone?

2 MR. PERRONE: I didn't get the second
3 one. I may have just got a nod. But just for the
4 record, would it comply with the 2004 Connecticut
5 Stormwater Quality Manual?

6 MR. SILVESTRI: Attorney Baldwin, the
7 responses seem to be very, very faint. I don't
8 know if it's an audio issue on your end, but if
9 you could help us out, it would be appreciated.

10 MR. BALDWIN: We'll do that. Thank
11 you, Mr. Silvestri.

12 THE WITNESS (Mead): The answer to that
13 question, yes, they would.

14 MR. PERRONE: Moving on to the back-up
15 power topic. In response to Council Interrogatory
16 35, each carrier would have battery backup, about
17 four to eight hours. However, for T-Mobile
18 battery backup would be their only source of
19 back-up power. For T-Mobile, would your run time
20 be closer to four hours or closer to eight?

21 THE WITNESS (Fiedler): Yeah, our
22 solution set right now would be closer to eight.
23 We would have a separate cabinet that would house
24 the battery plants.

25 MR. PERRONE: And would Sprint have the

1 same type of backup?

2 THE WITNESS (Fiedler): Correct, unless
3 we were consolidated, then we would mirror each
4 other, but yes.

5 MR. PERRONE: So no plans for a
6 generator for T-Mobile or Sprint, just battery?

7 THE WITNESS (Fiedler): Not at this
8 juncture. That could change in the course of the
9 next year to two. But based on the proximity of
10 our neighboring sites, we're yielding towards a
11 battery solution at this location.

12 MR. PERRONE: Moving on to the response
13 to Council Interrogatory 41, the question was
14 would the proposed facility comply with DEEP noise
15 control standards at the property boundaries, and
16 the response was yes.

17 And my question was, just to be clear,
18 is that utilizing an exemption for the back-up
19 generators, or is that conservatively treating the
20 generators as nonexempt?

21 THE WITNESS (Mead): Can we go off the
22 record for a second?

23 (Off the record discussion.)

24 THE WITNESS (Mead): Jason Mead from
25 All-Points. Yes, the generators are exempt, but

1 conservatively they will apply.

2 MR. PERRONE: Would it apply with
3 current fence design, or do you think you would
4 need any kind of sound blankets perhaps?

5 THE WITNESS (Mead): Decibel ratings --
6 Jason Mead from All-Points -- for the AT&T
7 generator and the Verizon generator were taken
8 from the individual cut sheet, 66 decibels for
9 one, 57 decibels for the other, measured at 23
10 feet from the units. Quick back-of-the-envelope
11 calculation shows these noise levels would
12 decrease over distance levels beyond the typical
13 residential standards which is 55 decibels during
14 the day without any special acoustical treatment
15 at the site.

16 MR. PERRONE: Page 18 of the
17 application had the original cost data. I
18 understand that there were some slight revisions
19 in the supplemental filing, but in general are the
20 costs essentially the same or have they materially
21 changed since the filing of the application?

22 MR. BALDWIN: Mr. DiGangi, any
23 substantive change in the costs that occurred
24 since the start of the application process?

25 THE WITNESS (DiGangi): No.

1 MR. PERRONE: In other words, cell site
2 radio equipment, or would those numbers still be
3 approximately the same?

4 MR. BALDWIN: I think certainly
5 Mr. DiGangi can speak to the hard costs for the
6 tower itself. Perhaps we can get the individual
7 carriers to speak to any changes in costs related
8 to the carrier equipment.

9 Mr. Fiedler, do you want to start us
10 off?

11 THE WITNESS (Fiedler): Yes, happy to.
12 No revisions. The costs associated with the
13 electronics that we're bringing to the facility
14 are in alignment.

15 MR. BALDWIN: Mr. DiGangi, could you
16 mute your phone for us, please?

17 The question to you is, any changes to
18 the costs of Verizon Wireless equipment.

19 THE WITNESS (Befera): No changes.

20 MR. BALDWIN: And Mr. Bilezikian for
21 AT&T.

22 THE WITNESS (Bilezikian): No changes.

23 MR. PERRONE: Thanks. Turning to page
24 (i) of the application, FTD received zoning
25 commission approval to install the new 500,000

1 gallon water tank. My question is how the time
2 schedule works as far as when would you expect to
3 remove the old water tank, install the new water
4 tank, and construct the proposed facility, if
5 approved?

6 THE WITNESS (DiGangi): The plan -- the
7 design of the tank is actually three separate
8 projects. One is water mains on the street, one
9 is the tank itself, and the third one is
10 remediation and demolition of the existing tank.
11 The plan is the water main contractor will do the
12 site clearing and provide access to the new tank
13 and to the tower site.

14 Once the tower is installed, the
15 construction sequence, it's a design build sort of
16 tank project, so once the contract is executed,
17 the tank's engineer will design the tank. We've
18 provided the geotechnical report. That usually
19 takes a few months. All right. And then it needs
20 to be approved by our consultant. During that
21 period of time, the water main contractor will
22 already be on site. So he builds the access
23 roads, he creates the new driveway, clears the
24 land. There will be a small amount of site
25 remediation under the existing, the proposed tank,

1 where the materials will be moved and stockpiled
2 near the existing tank.

3 Once the tower is up and the cell
4 people have relocated, that tank will be
5 remediated and demolished.

6 MR. PERRONE: Okay. My next question
7 is for the carriers. Would the sequence of
8 construction allow for maintaining full continuity
9 of service for the carriers, or do any of the
10 carriers anticipate possibly needing temporary
11 facilities such as cell on wheels in the interim?
12 We could start with Verizon.

13 THE WITNESS (Befera): Since the
14 construction sequence is to have the tower site up
15 and operational before the existing tank comes
16 down, we anticipate no interruption in service and
17 no need for a temporary site.

18 MR. PERRONE: Okay. And for AT&T,
19 would you anticipate needing a temporary facility
20 to maintain continuity of service?

21 THE WITNESS (Bilezikian): Dan
22 Bilezikian. No, we would not.

23 MR. PERRONE: And the same question for
24 T-Mobile and Sprint.

25 THE WITNESS (Fiedler): We concur with

1 Verizon's assessment.

2 MR. PERRONE: And in response to
3 Council Interrogatory 28, just as an update, has
4 the City of Norwalk or any emergency response
5 entity expressed an interest in co-locating on the
6 facility?

7 THE WITNESS (DiGangi): No.

8 MR. PERRONE: Lastly, we'll have some
9 visibility questions. And I'll also be
10 referencing the comments from the Council on
11 Environmental Quality, dated May 1st. On page 1
12 of the CEQ comments, section 2, it said, "The
13 Council suggests that the applicant assess the
14 need for screening of the equipment compound from
15 observers to the south and southeast of the
16 equipment buildings."

17 I see in sheet C-2 landscaping has been
18 added directly outside the compound. Would that
19 help screen views of the compound from the south
20 and southeast?

21 THE WITNESS (Libertine): It certainly
22 will. CEQ had not seen those plans at the time of
23 the comment. There's also additional screening
24 that's going to be part of The First Taxing
25 District's construction of the new water tank

1 which will be closer to those residents so there
2 will actually be several layers of screening.

3 MR. PERRONE: Turning to tab 7 of the
4 application, which is the visual assessment, and
5 starting with the visual analysis map,
6 specifically location 10 which is little bit to
7 the southwest of the facility. Number 10 depicts
8 a black circle indicating no visibility, but if we
9 look at the Table 1 photo locations where it had
10 shown it to be seasonal, number 10, was that
11 intended to be in orange?

12 THE WITNESS (Libertine): Yes, it was,
13 and I apologize for not picking that up early and
14 mentioning that as one of the changes. You're
15 absolutely correct, that should be in orange.
16 That is a seasonal location for views.

17 MR. PERRONE: On page 2 of the CEQ
18 comments, CEQ had noted four locations where the
19 photo sims had shown year-round visibility, these
20 are numbers 2, 7, 8 and 11, but the predictive
21 model doesn't necessarily show yellow in those
22 areas. Could you explain how it could possibly be
23 different?

24 THE WITNESS (Libertine): Sure. That
25 often happens. At the scales that we're using,

1 these locations often are very -- the photos that
2 we take from those locations are often restricted
3 right to that particular area. And so if you were
4 to move in any direction, you pretty much drop
5 out. So oftentimes we'll see that they are more
6 or less isolated views of 100, 150 feet, so it's
7 really just a scaling issue in terms of how we
8 present it. So it's not uncommon to see that.

9 MR. PERRONE: In other words, the
10 circle could be potentially covering up some of
11 the area?

12 THE WITNESS (Libertine): It certainly
13 can. But in a lot of cases what happens, and
14 certainly in the case of 2 and 7, they are more or
15 less, again, isolated views that we're showing as
16 a year-round condition, but they more or less abut
17 to an area where we have seasonal as well. So
18 it's really just a matter of, again, it's a very,
19 very narrow window of visibility. But again, at
20 that scale, some of those dots can represent a
21 couple hundred feet across.

22 MR. PERRONE: And when you run your
23 viewshed map model, prior to considering actual
24 balloon flight results, do you find it to be more
25 or less conservative?

1 THE WITNESS (Libertine): Yeah, I think
2 over the years we've got it a little bit more fine
3 tuned. I still would say it is somewhat
4 conservative, it tends to overpredict, but it is
5 certainly tighter using some of the better base
6 source data that we are now -- that's made
7 available to us. But yes, generally it is a bit
8 conservative and tends to overpredict.

9 MR. PERRONE: And lastly, I just have a
10 few RF questions related to Sprint. Returning to
11 the response to Council Interrogatory 19, that
12 question was are all frequencies used for voice
13 and data and which frequencies would be used for
14 capacity. Do we know which frequency bands for
15 Sprint for that answer?

16 THE WITNESS (Fiedler): Yeah, I think
17 part of the interrogatory was exactly that.
18 They're all for capacity and voice. EVDO is the
19 one that we've dedicated towards the data side.

20 MR. PERRONE: And moving on to the
21 response to 23 for Sprint, do you have the
22 in-building or in-vehicle thresholds for Sprint,
23 or would they be the same as T-Mobile?

24 THE WITNESS (Fiedler): I would say at
25 this juncture that they're comparable to what

1 we've demonstrated on the T-Mobile testimony. We
2 are in the process of network synergies, at which
3 point we're mirroring each other. So right now
4 we're blending Sprint into the T-Mobile
5 architecture.

6 MR. PERRONE: And one last question on
7 that topic. The response to Council Interrogatory
8 24, which got into like a worst-case existing
9 signal strength without a facility, would you have
10 a number for Sprint?

11 THE WITNESS (Fiedler): I don't. I
12 don't have that at this juncture.

13 MR. PERRONE: That's fine. Thank you
14 very much. That's all I have.

15 MR. SILVESTRI: Thank you, Mr. Perrone.
16 I'd like to continue with cross-examination by Mr.
17 Morissette at this time.

18 MR. MORISSETTE: Thank you, Mr.
19 Silvestri. I'd like to start off, if someone
20 could discuss the reasoning for not locating on
21 the new water tower.

22 THE WITNESS (DiGangi): I can respond
23 to that. Dominick DiGangi. One of the
24 problems -- we have two tanks that are identical
25 to the one that is at West Rocks. The other tank

1 has not had any cell equipment on it. Both tanks
2 were constructed at the same time. They are
3 literally identical. This one, and we're not
4 sure, all right, but it kept developing pin hole
5 leaks. Now, that could be a structural issue that
6 goes back to its manufacture. And so we were a
7 little concerned about putting the cell stuff,
8 equipment up onto the new tank.

9 In addition, maintenance of the tank
10 becomes an issue for the cell carriers. In order
11 for us to maintain it and to paint it and to
12 protect it, they would have to actually come off
13 the tank while we did that every 15, 20 years.
14 And so it would be very disruptive, obviously, to
15 them and to service to have them coming off, going
16 back on after we paint, and then knowing that
17 somewhere down the line it was going to happen as
18 well. And so that was the decision to opt for the
19 tower rather than go up on the roof of the tank.

20 MR. MORISSETTE: Thank you. Is the
21 equipment on the existing tank going to be
22 transferred to the new cell tower? Is any of the
23 old equipment going to be utilized?

24 MR. BALDWIN: Perhaps we can go around
25 the horn with the wireless carriers starting with

1 Mr. Befera.

2 THE WITNESS (Befera): To avoid an
3 interruption in service, once the tower is ready
4 and there's power at that location for the
5 carriers to arrange a schedule for each of the
6 carriers to install on the new tower, we would all
7 be purchasing new stuff or using stuff from our
8 existing inventories to activate the replacement
9 site at the same time that the existing site on
10 the water tank would be shut down. So that
11 existing equipment on the water tank would then be
12 dismantled, and some of it may be reusable. Then
13 that would go back into our inventories for use at
14 another site, but most of it would be scrapped.

15 So the short answer to your question
16 is, so that no one has any interruption in
17 service, we'd have to put all new stuff on the
18 tower once it's ready before the stuff can be shut
19 off and taken down from the water tank.

20 MR. BALDWIN: You're next, Mr. Fiedler.

21 THE WITNESS (Fiedler): Yeah, similar.
22 We would bring new electronics, and we would
23 repurpose whatever was currently on the existing
24 water tank.

25 MR. BALDWIN: And Mr. Bilezikian.

1 THE WITNESS (Bilezikian): Likewise,
2 AT&T would probably use all new equipment. I
3 doubt there would be anything salvageable.

4 MR. MORISSETTE: Great. Thank you.
5 The application on page 18 has costs associated
6 with the installation of the new cell tower. Do
7 those costs also include the costs for dismantling
8 the water tower equipment?

9 THE WITNESS (Befera): No, those costs
10 for Verizon do not include the dismantling of the
11 existing equipment which is under a different
12 classification for our accounting purposes.

13 MR. SILVESTRI: Would that be also true
14 for AT&T and T-Mobile?

15 THE WITNESS (Bilezikian): True for
16 AT&T.

17 THE WITNESS (Fiedler): Hans Fiedler,
18 T-Mobile. Correct as well.

19 MR. BALDWIN: Just to complete the
20 circle, Mr. DiGangi, I don't want to speak for
21 you, but I think those costs are just for the new
22 tower, correct?

23 THE WITNESS (DiGangi): Yes.

24 MR. MORISSETTE: Okay. So I'm assuming
25 there's costs embedded in your demolition of the

1 old water tower to take care of the equipment, and
2 you're treating that separately, so we'll leave it
3 at that.

4 Concerning the yield point, Council's
5 Interrogatory Set One, Question 7, what is
6 estimated that the height of the yield point will
7 be at this time at this point?

8 THE WITNESS (Mead): Jason Mead from
9 All-Points. I can answer that question. At this
10 time, we would probably consider a yield point at
11 the 49 feet elevation below the top of the tower,
12 i.e., that would be 81 feet above ground level to
13 coincide with the northerly property line which is
14 at 49 feet from the structure.

15 MR. MORISSETTE: Great. Thank you.
16 Okay. In response to Council Interrogatory Set
17 One, Question 30, AT&T and Verizon have two
18 separate size generators, AT&T's is 20 kW and
19 Verizon is 30 kW. Is there any reason why they're
20 different, just because they're a different type
21 of equipment or --

22 MR. BALDWIN: Who wants to go first
23 this time?

24 THE WITNESS (Bilezikian): AT&T
25 normally specs a 20 kW either a diesel or propane.

1 In this case it's a DC generator.

2 MR. MORISSETTE: So that's just your
3 typical standard 20 kW, your standard --

4 THE WITNESS (Bilezikian): Yes.

5 MR. MORISSETTE: And Verizon?

6 THE WITNESS (Befera): Our standard is
7 for diesel is typically 25, but the propane tends
8 to have to be a little bit larger for the same
9 output. That's why we specked a 30 in this
10 instance.

11 MR. MORISSETTE: Okay. Thank you. Mr.
12 Silvestri, that's all the questions I have.

13 THE CHAIRPERSON: Thank you, Mr.
14 Morissette. I'd like to continue with
15 cross-examination by Mr. Harder at this time.

16 MR. HARDER: Thank you, Mr. Silvestri.
17 Just a few questions. First, I think probably for
18 Mr. DiGangi, you were talking a minute ago about
19 the problems or issues associated with locating
20 tower facilities on the water tower. And I think
21 it seems apparent what those problems would be,
22 but I just had a couple follow-up questions. You
23 mentioned that I guess in the existing tower
24 you've seen pin holes develop. And I'm wondering,
25 could you, in terms of the location, did they seem

1 to be related to the locations of the structural
2 members associated with the cell tower or were
3 they just randomly located around the water tower?

4 THE WITNESS (DiGangi): No, in most
5 cases they'd be randomly located.

6 MR. HARDER: And did you -- I'm sorry,
7 go ahead.

8 THE WITNESS (DiGangi): They're mostly
9 on the bottom.

10 MR. HARDER: Did you have discussions
11 with the manufacturer at all? I mean, have they
12 seen any similar situations in other locations?

13 THE WITNESS (DiGangi): The
14 manufacturer of that tank is no longer in
15 business.

16 MR. HARDER: Okay. All right. Fair
17 enough. The application also indicated that there
18 was concern regarding potential impacts on water
19 quality. And I couldn't really figure out or
20 understand, I guess, how the location of a cell
21 tower on the outside of a water tower would affect
22 water quality. Could you explain that?

23 MR. BALDWIN: Dominick, you just muted.
24 You're back.

25 THE WITNESS (DiGangi): I think the

1 concern was the same concept of about
2 deterioration of the tank, all right, would allow,
3 especially up on the top, would allow outside
4 water into the drinking water.

5 MR. HARDER: Okay. So it wouldn't -- I
6 mean, just the existence of the cell tower
7 facilities wouldn't by itself create changes to
8 the water quality, it would indirectly introduce
9 other factors?

10 THE WITNESS (DiGangi): That's true.

11 MR. HARDER: Okay. Great. Thank you.
12 Let's see, I had a question on one of the
13 visibility analysis photos, specifically photo 19.
14 It's a photo taken from the Merritt Parkway. Can
15 someone tell us how far from the proposed site
16 that photo was taken?

17 THE WITNESS (Libertine): Yes, this is
18 Mike Libertine. That photo is about a third of a
19 mile from the site itself.

20 MR. HARDER: Why wasn't -- I mean, it
21 seems to be from that photo it does seem to be
22 fairly distant. Why wasn't a closer location with
23 a more direct line to the proposed site chosen for
24 either, you know, a photo or additional photos?

25 THE WITNESS (Libertine): That location

1 actually is just about the closest location where
2 it's visible. If you notice, if you were in --
3 this is reviewing the southbound lane, the cars
4 coming towards us, so we're looking north. If we
5 were on the north side heading north, those trees
6 intervening actually block the view. So that is
7 more or less the closest view of the facility that
8 is going to be seen. And certainly the only way
9 you would see it really from that particular
10 location is if you were to look back over your
11 shoulder, but we did want to represent as close an
12 area as we could get, but that is essentially the
13 closest direct view from the general location of
14 the Merritt Parkway.

15 MR. HARDER: So if you were, say, in
16 terms of distance, if you were at some point on
17 the Merritt Parkway that was the closest distance
18 wise from the proposed location, aside from
19 whether you could see it or not, you're saying if
20 you were at that closest location, you could not
21 see the proposed -- or you would not be able to
22 see the proposed facility?

23 THE WITNESS (Libertine): A combination
24 of the angle and the near distance that you're at,
25 those trees effectively block a direct line of

1 sight.

2 MR. HARDER: Okay. Well, I guess that
3 makes me wonder then if you can -- I don't know if
4 anybody can answer this, but what was the problem
5 that SHPO had with some of the other locations
6 where they said it was -- I forget the terminology
7 used, but the expected -- there was an expected
8 negative impact on the Merritt Parkway, which I
9 assumed meant visible impact or visual impact to
10 the point where I gather they rejected those other
11 locations. I couldn't figure out why, since they
12 were only a short distance from the proposed
13 location, why that would be the case. But if
14 you're saying that you couldn't even see it from
15 the Merritt Parkway right adjacent, why would they
16 have a problem with it?

17 THE WITNESS (Libertine): You bring up
18 the question that we actually had to deal with for
19 over a year with the SHPO. We did quite a bit of
20 work with them. Essentially, my understanding is
21 that SHPO's position is such that any new
22 structure introduced that's within the viewshed of
23 the parkway is essentially a nonstarter right from
24 the start.

25 So we evaluated it. We actually

1 brought the representatives from the agency out.
2 We had a crane in place at our originally proposed
3 location. They were not happy with that for
4 whatever reason. And I agree with you, Mr.
5 Harder, we're not talking about a great deal of
6 distance between any of these sites. And so there
7 were only two or three locations along the parkway
8 where you could see the crane and where you will
9 see the new tower at any time of year. However,
10 they felt it was significant enough because of the
11 status of the Merritt Parkway being a national
12 scenic byway, that was the position they held.
13 And so that's why we had to go through the
14 exercise of attempting to find a suitable location
15 where we could use the new water tower partially
16 to blend in with the surrounding environment.

17 And so I wish I had a better answer for
18 you, but this is something that is not going to be
19 unfortunately limited to just this particular
20 application. We're faced with this any time we're
21 anywhere close to the Merritt Parkway. They would
22 prefer not to see any new intrusion visually. I
23 think that's a very difficult standard to hold us
24 to, but that's where we're at, at the moment.

25 MR. HARDER: I understand what you're

1 saying, how you're characterizing what they've
2 said, I guess, that they prefer not to see any
3 intrusions visually. But in this case it's not
4 visible, or it would not be visible, right, is
5 that correct?

6 THE WITNESS (Libertine): I would
7 agree. It's minimally visible. I can't say it's
8 not visible. There are a couple of locations
9 where it's fleeting, particularly further south in
10 photo number 19, and it's a very short stretch.
11 But this is -- I wish I could tell you a rational
12 reason why we had to go through this exercise on
13 this site, but this is where we landed.

14 MR. HARDER: Okay. I guess we
15 understand the situation anyway.

16 THE WITNESS (Libertine): And Mr.
17 Harder, for your edification, we've been through
18 this before, and actually not too further south of
19 here in New Canaan several years back we had a
20 similar situation. That site was much more
21 visible. But we ended up having to do two towers
22 to accommodate the carriers. They were
23 essentially interior mount antennas. We did not
24 want to get into that situation here. So it was a
25 compromise as far as SHPO was concerned. We

1 maintained all along that it would not be an
2 adverse impact just because of the minimal overall
3 visibility.

4 MR. HARDER: Okay. Thank you.

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

7 MR. HARDER: I guess maybe actually
8 this would be a question back for Mr. DiGangi. Is
9 there one or more back-up generators now at the
10 existing tower location? Actually, I'm sorry, it
11 probably wouldn't be for Mr. DiGangi. It would be
12 for the carriers.

13 THE WITNESS (Befera): Verizon has a
14 generator at the site.

15 MR. HARDER: So is that just one,
16 there's only one generator?

17 MR. SILVESTRI: Can AT&T answer that?

18 THE WITNESS (Mead): Jason Mead from
19 APT. Not to speak on behalf of Dan, but I believe
20 AT&T has a generator out close to the road also.

21 THE WITNESS (Fiedler): And just for
22 the record, for T-Mobile Sprint, we will not be
23 deploying a generator.

24 MR. HARDER: So are there two
25 generators now, and how many will there be?

1 THE WITNESS (Mead): Currently, as
2 planned, two, AT&T and Verizon.

3 MR. HARDER: Okay. Just a final
4 question on the remote field review photos. The
5 first photo actually showed a variety of
6 screenings proposed, several trees or shrubs along
7 the southern boundary line or close to the
8 southern boundary line, but it stops before it
9 reaches the end of the -- or the western end of
10 the property. And it seems to -- I mean, I assume
11 that line of trees and shrubs is there to screen
12 visibility from the adjacent homes. But because
13 it stops, it seems to leave open the visibility
14 from one or two, at least, additional homes on
15 that road. And my question is, why does it stop,
16 and is there any reason why it can't be continued
17 to at least provide whatever screening that would
18 accomplish?

19 THE WITNESS (Libertine): Mike
20 Libertine. The primary purpose of those screen
21 along the southern property boundary is for the
22 new water tank. However, certainly it's going to
23 assist with looking in towards the compound.
24 Beyond the western edge of the proposed
25 landscaping along the southern boundary, all those

1 trees remain. So there's a fairly good buffer.
2 Granted, they're not evergreens, but the idea is
3 really to screen the lower portions of all of the
4 new development. So that was really the thought
5 process.

6 MR. HARDER: So where the new
7 development is you're calling it, a lot of the
8 existing trees will be removed so whatever
9 screening would be provided by existing trees will
10 be reduced because the trees will be taken out?

11 THE WITNESS (DiGangi): I can answer
12 that. The contract is very specific. All we are
13 clearing is the actual construction zone to erect
14 the tank, and that as you get closer and closer to
15 the property line there is an existing treeline,
16 and as much of that is going to remain in place.
17 The construction is limited to a circle around the
18 center of the tank, and that's mostly for a crane
19 to lift the pieces into place. And so there's a
20 very selective tree cutting. And then we are
21 going to put a double row of trees on the ground,
22 which is what we're really trying to hide is the
23 bottom, not necessarily the top. And we're going
24 to do that as close to that property line as we
25 can without having to take down other trees.

1 And so the piece that's further west is
2 pretty much, it may not be all evergreens, but
3 it's pretty much forest. And if you see the
4 property now, you can barely see that the tank is
5 in there.

6 MR. HARDER: Okay. So you're saying
7 it's really unnecessary, it becomes unnecessary at
8 some point?

9 THE WITNESS (DiGangi): Yes.

10 MR. HARDER: Okay. I guess, actually
11 one other question or point. And I know there
12 were questions in the interrogatories about
13 contacts and responses from the adjacent property
14 owners. Can someone characterize -- I know there
15 were second attempts for some of the owners, but
16 could someone characterize if there were any
17 conversations or any indication from any of the
18 property owners as to any objections or any
19 opinions or positions they might have taken that
20 weren't characterized in the application or in the
21 responses?

22 MR. BALDWIN: Mr. Harder, if I could,
23 this is Ken Baldwin. In the context of the Siting
24 Council application and notification process,
25 there were none. However, I think Mr. DiGangi can

1 comment on some remarks and conversations that
2 were had during the local zoning process and also
3 during our public information meeting that we held
4 before the Planning and Zoning Commission with a
5 couple of the neighbors who did show up at that
6 meeting.

7 Perhaps, Mr. DiGangi, you could talk
8 about some of those conversations.

9 THE WITNESS (DiGangi): Yeah. As we do
10 with all of our major construction projects, we
11 actually had invited everyone from the
12 neighborhood to a meeting to talk about the work
13 that we were going to do in the site. We did not
14 have a very large attendance. There were actually
15 only two residents, husband and wife, had showed.
16 They were both on -- one was on West Rocks Road
17 and one is on the adjacent street. And there were
18 more concerns about -- the property has got sort
19 of like a circular driveway where you pull off the
20 road to go behind the trees to actually get in the
21 driveway, and that was more their concern that
22 people were pulling off the road and they were not
23 visible. And we told them we were going to
24 resolve that.

25 At the Planning and Zoning hearing

1 there was one neighbor who's actually probably the
2 closest neighbor to the tank had concerns about
3 the actual construction, about the visibility of
4 her house while that was going on. And in the end
5 we agreed to discuss with her the possibility of
6 actually landscaping on her side of the property
7 line to cut that visibility down. And other than
8 that, there were not many other comments.

9 MR. HARDER: Okay. All right. That's
10 all I have. Thank you.

11 MR. SILVESTRI: Thank you, Mr. Harder.
12 I'd like to continue with cross-examination by Mr.
13 Hannon at this time.

14 (No response.)

15 THE CHAIRPERSON: Mr. Hannon, you still
16 with us?

17 MR. HANNON: Yes. Sorry about that.
18 Can you hear me now?

19 MR. SILVESTRI: Yes, I can. No
20 problem.

21 MR. HANNON: Okay. On page (i) of the
22 executive summary, last paragraph, it talks about
23 "The FTD also intends to remove the existing
24 100,000 gallon water tank from the property and
25 perform certain environmental remediation tasks in

1 the northeast corner of the property." Can you
2 please explain what those environmental
3 remediation tasks are?

4 THE WITNESS (DiGangi): Unfortunately,
5 the tank had been painted with lead paint and also
6 paint that had been enhanced with PCBs. So the
7 paint on the tank is contaminated with both lead
8 and PCBs. There is some contamination on the
9 ground in a very limited area inside the compound,
10 a little outside the compound, and then there is
11 one small spot in the area where the new tank is
12 going to be constructed.

13 So, because of the PCB contamination in
14 the tank, there is a whole protocol on how to take
15 it down. So it needs to be -- we've done this
16 before in the sister tank that was removed. So
17 they need to remediate along the lines where
18 they're going to torch the tank into pieces, both
19 on the inside and the outside. So anywhere
20 they've got to cut the tank, they're going to have
21 to remove the paint and the PCBs and the lead.
22 Then they will cut the tank into manageable pieces
23 to lift up on with a crane. They get put into a
24 tractor-trailer. And if it goes the way of the
25 other one, it gets driven to Nevada to be buried.

1 Then the ground is more lead than PCBs,
2 and they remove the soil and it goes somewhere to
3 be incinerated. And it gets broken up into grids.
4 And so as we get down to a particular elevation,
5 there's verification sampling and laboratory work
6 until the grid shows no contamination with lead or
7 PCBs, again, mostly lead, and then we backfill.
8 And our plan is to relandscape the compound and
9 bring it back to forest.

10 MR. HANNON: Okay. Thank you. I think
11 my next question probably relates more to Mr.
12 Libertine. And just so you know, I did feel the
13 pain in your voice when you started talking about
14 the two industrial smokestacks. But in looking at
15 the SHPO letter in option D, and in the conclusion
16 SHPO was talking about trying to keep everything
17 as close as possible like within 3 feet of the
18 monopole. The reason I'm bringing that up is
19 because in response to Interrogatory Number 29,
20 the response says, "To be consistent with the
21 SHPO's authorization, the antenna arrays cannot
22 extend more than 3 feet off the face of the
23 tower." But then you go on to say, "The use of
24 flush-mounted antennas would result in a reduction
25 of service and may require each of the wireless

1 carriers to install antennas at a second antenna
2 centerline height, thereby requiring a taller
3 tower."

4 Now, with a 3 foot separation between
5 the pole and the antenna, do we not have to worry
6 about needing a higher tower for people to get
7 more antenna online?

8 THE WITNESS (Libertine): This is Mike
9 Libertine. We worked closely with the carriers
10 once we were able to -- once we got the SHPO to
11 give us at least a verbal okay with that
12 particular condition. So the distinction we're
13 making there is these are not considered
14 flush-mounts which would be much tighter to the
15 tower. So we've been assured that this will
16 satisfy the carriers' needs and still maintain the
17 3 foot offset so that we comply with the SHPO's
18 conditions.

19 MR. HANNON: Okay. Thank you. There
20 was a letter submitted by Dean Gustafson on this.
21 And the part I'm just going to ask about, there's
22 a paragraph on the last page, in addition, the
23 First Taxing District would consider the following
24 additional recommended measures for the northern
25 long-eared bat conservation. So I'm just

1 wondering if it's still the position of the Taxing
2 District to comply with those five conditions?

3 THE WITNESS (Libertine): Mr. Hannon, I
4 can speak to that, having worked with
5 Mr. Gustafson on this issue. As you know, these
6 are strictly guidelines or recommendations, so
7 we're not held to them. Some wouldn't apply to
8 here. But provided that the schedule allows us to
9 comply with these, we certainly will. And based
10 on what we've discussed with the district at this
11 point, we feel that we'll be able to conduct that
12 work in terms of tree cutting so that we're out of
13 the -- certainly out of the pup season, probably
14 out of the entire bat activity season.

15 MR. HANNON: Okay. Thank you.

16 THE WITNESS (Libertine): You're
17 welcome.

18 MR. HANNON: I've got a question or two
19 regarding the back-up generators and the propane
20 tanks. And looking at I think it's map C-1 and I
21 think also LP.1, if I'm reading the map correctly,
22 it looked as though there's a single location for
23 a single propane tank. There are comments that a
24 propane fuel generator and fuel tank may also be
25 located on the property, if needed, by the

1 wireless carriers. That's in a couple of spots.
2 And then in response to Question Number 30 in the
3 interrogatories, "AT&T will install its own 20 kW
4 propane generator for emergency back-up power and
5 a 500 gallon propane fuel tank. Verizon will
6 install its own 30 kilowatt propane fueled
7 generator for emergency back-up power and a 500
8 gallon propane fuel tank."

9 I'm seeing one propane tank on the site
10 plan. What am I missing?

11 THE WITNESS (Mead): Jason Mead from
12 All-Points. I'd be happy to answer that question.
13 So the site plan itself actually does call out for
14 two 500 gallon propane tanks nested in the north
15 corner of the proposed compound, one of which is
16 graphically obscured by the grading that covers
17 that area for protective purposes. So the
18 intention is to have two independent 500 gallon
19 tanks, each servicing the respective generators.

20 MR. HANNON: But those tanks are
21 outside of the compound, correct?

22 THE WITNESS (Mead): No, they're
23 actually inside the compound.

24 MR. HANNON: Okay. I mean, I'm looking
25 at map LP.1. To me it looks like the propane tank

1 is outside the compound. I mean, the label is new
2 propane tank and it's to the north -- let me get
3 the direction right. It's a little bit north of
4 where the water tower would go.

5 THE WITNESS (Mead): Okay. I'd like to
6 make a correction. So if we may refer to plan
7 C-1, drawing C-1 and C-2, those drawings are
8 actually correct. The landscape plan was
9 developed prior to the development, final
10 development of the drawings, and that actually
11 represents the original concept which does indeed
12 show a single tank. But just for the record,
13 there are two tanks proposed within the compound.

14 MR. HANNON: Okay. I just wanted to
15 make sure because what I was reading and what I
16 was seeing were two totally different things.

17 And then I have a number of questions
18 related to the response to Interrogatory Number
19 50, which I think was with all the photos. So my
20 first question is related to photos 6, 7, 9 and
21 10. I mean, is that part of a collapsed building;
22 and if so, what was the building?

23 THE WITNESS (Libertine): I've got it
24 here. I'm not sure of the history of what that
25 particular building functioned as. Photo 9 is

1 probably the best representation. I don't know if
2 Mr. DiGangi knows. It's certainly dilapidated,
3 but I have no idea what that was. That's just on
4 the site but outside the influence of any of our
5 areas.

6 THE WITNESS (DiGangi): What do I need
7 to look at to see that photo?

8 THE WITNESS (Libertine): I'm sorry.
9 It would be the Interrogatory Response Number 2
10 which was the remote field review. It's a fairly
11 large file, but we have numerous pictures. And
12 there's just some debris and what looks to be, as
13 Mr. Hannon discussed or explained, that it does
14 look like it's a building that has more or less
15 fallen apart, or maybe it's just materials, but it
16 does look like there are some standing walls.

17 THE WITNESS (DiGangi): Is it on the
18 south side of the property?

19 THE WITNESS (Libertine): Yes.

20 THE WITNESS (DiGangi): I believe it
21 was a shed put up by one of the property owners on
22 our property and then it fell apart.

23 MR. HANNON: Okay. Is all of this
24 stuff going to be removed when you go in and do
25 the new work?

1 THE WITNESS (DiGangi): If the shed is
2 on our property and abandoned, we will take it
3 out. If there is a shed there that is on our
4 property and belongs to the neighbor, we'll work
5 out how to make that work for both parties.

6 MR. HANNON: Okay. Then in photos
7 number 8 and number 10, to me it looks like it's
8 an indication of illegal dumping. Does that occur
9 at this site?

10 THE WITNESS (DiGangi): I think that's
11 dumping, again, from the backs of the property
12 because you can't access our property because of
13 the fences and the chains.

14 MR. HANNON: Okay. And then photos 11,
15 13, 18 and 19 show a bunch of what looks like 55
16 gallon drums. Any idea what was in them, or is
17 there anything in them today?

18 THE WITNESS (DiGangi): I don't know
19 the answer to that one. Again, where are they, on
20 the west side?

21 MR. BALDWIN: These appear to be on the
22 south side along the fence line on the back of the
23 homes on Skyview Drive.

24 THE WITNESS (DiGangi): Again, we'll
25 figure that out and have them removed.

1 MR. HANNON: Okay. Thank you. In
2 photos 24 and 25, I'm just trying to figure out
3 what that building is. I think it's to the right
4 of the transmission line. Is that something
5 associated with the water tower or -- I'm just
6 curious as to what it is.

7 THE WITNESS (Libertine): In photo
8 number 24, that's one of the existing carrier's
9 equipment sheds, just a corner of the existing
10 compound. You can't quite see the water tower.

11 MR. HANNON: Okay. I was just curious
12 as to what it was.

13 THE WITNESS (Libertine): That's
14 associated with the existing facility.

15 MR. HANNON: Thank you. My last
16 question is regarding photo 26. What's all of
17 this material? I mean, it almost looks like it
18 could be in the right-of-way for the transmission
19 line? I mean, that may be some of the carrier's
20 material but --

21 MR. BALDWIN: For Mr. DiGangi's
22 purposes, this is a photograph that shows what
23 appears to be some stacked piping of some sort
24 within the Eversource -- right beneath the
25 Eversource transmission line right-of-way.

1 THE WITNESS (Libertine): July 16.

2 MR. BALDWIN: From last summer. You're
3 muted now.

4 THE WITNESS (DiGangi): That's Merritt
5 Parkway right-of-way. We would not put anything
6 in there. That easement is on Merritt Parkway
7 land for their tower for the power lines.

8 MR. HANNON: Okay.

9 THE WITNESS (DiGangi): It's possible,
10 they were replacing, the state was replacing that
11 bridge not too long ago, and they might have been
12 using the power line to store materials.

13 MR. HANNON: Okay, because it almost
14 looks like there's one or two pallets of material
15 out there wrapped in plastic and maybe on a pallet
16 but --

17 THE WITNESS (DiGangi): That sounds
18 like the pipe and the fittings that were used to
19 replace the water main after they had taken down
20 the bridge.

21 MR. HANNON: Okay. Thank you. I have
22 no other questions. I'm done.

23 MR. SILVESTRI: Very good. Thank you,
24 Mr. Hannon.

25 I'd like to continue now with Mr.

1 Edelson.

2 MR. EDELSON: Thank you, Mr. Silvestri.
3 Everybody can hear me okay?

4 MR. SILVESTRI: I can, yes.

5 MR. EDELSON: As long as you can, it's
6 good. So my first couple of questions are for Mr.
7 DiGangi. I was a little confused about the
8 different public meetings, but in the application
9 it talked about a public information meeting on
10 January 2nd. You said there was only one public
11 comment that was made. Do you remember how many
12 people, approximately how many people were at that
13 meeting?

14 THE WITNESS (DiGangi): Planning and
15 Zoning is done in the council chambers. The room
16 was filled with people, all right, but they were
17 all -- there were other things on the agenda. I
18 believe there was only one or two people who spoke
19 relating to the tank project or the public meeting
20 that followed for the cell tower.

21 MR. EDELSON: Okay. So it wasn't a
22 separate meeting, it was part of a Planning and
23 Zoning meeting; is that correct?

24 THE WITNESS (DiGangi): Yes, it was.

25 MR. EDELSON: Okay. And when you were

1 commenting about one of the people, I just want to
2 make sure I understood. It sounded like that
3 homeowner was more concerned about construction
4 people being able to visit, that her home was
5 visible to them. Usually we're hearing about
6 people who are concerned about their visibility of
7 the tower. Did I get the direction right on that?

8 THE WITNESS (DiGangi): No, she was
9 concerned about her privacy during the
10 construction sequence.

11 MR. EDELSON: So she wasn't complaining
12 about how visible the tower would be from her
13 backyard or her property?

14 THE WITNESS (DiGangi): No, she was
15 more concerned about us seeing her.

16 MR. EDELSON: Okay. That's what I
17 thought you said, but I just wanted to -- that's
18 not the typical thing we hear about in these. So
19 thank you.

20 The water tower, the existing water
21 tower that you want to take down, I think, has
22 been there since 1953. Has this been a concern
23 about its visibility over the years, has the
24 Taxing District received complaints about
25 visibility in your experience?

1 THE WITNESS (DiGangi): No. As it was
2 spoken before, the visibility on this tank is
3 really only from going north on the Merritt
4 Parkway. When you go south on the Merritt
5 Parkway, you never even see it. You actually can
6 only see the legs through the trees when you're
7 right alongside of it. And if you're familiar
8 with that part of the Merritt Parkway, that bridge
9 is sort of up at a crest, and so you're going
10 down, the grade is going down to about Route 7 and
11 then starts to climb. So the visibility on the
12 tank for a very short period is very visible, but
13 the terrain makes it disappear very quickly.

14 MR. EDELSON: As far as the neighbors,
15 abutting neighbors, there weren't complaints from
16 them about the tower?

17 THE WITNESS (DiGangi): When we had the
18 public hearing, it was pretty shocking. The
19 neighbor that is at the intersection of the
20 adjacent street didn't even know the tank was back
21 there.

22 MR. EDELSON: Okay. And I assume, but
23 just to be clear, when the antennas were put up,
24 which I assume was, you know, decades ago but not
25 back in 1953, there wasn't renewed -- there wasn't

1 a series of complaints then about putting the cell
2 towers up on this tank?

3 THE WITNESS (DiGangi): I started in
4 2009, and that predated me, and I did not hear of
5 anyone, the staff relating that that was an issue
6 at that time.

7 MR. EDELSON: Now, when we look at the
8 specific site, I think it's site D, was there any
9 thought to moving that 20 feet or so? Let me
10 just, without putting a number on it, moving that
11 a little more north away from the abutting
12 neighbors on Skyview, because it looks like there
13 is room to move it north.

14 THE WITNESS (DiGangi): One of the
15 issues that we did with the tank, all right, is we
16 located that tank in the exact center of the
17 property, and we literally drew, you know, lines
18 to get it right in the middle. The concept was we
19 were concerned about the Merritt Parkway
20 Conservancy, so we were trying to get as far away
21 from them as possible. We were trying to get away
22 from West Rocks Road as possible. And the side
23 street has got a pretty significant number of
24 trees, and so we weren't as concerned about
25 getting close to them. And so the middle of the

1 site seemed like the best place to be, and that's
2 where it ended up. I actually think it may have
3 moved a little in order to accommodate SHPO to
4 create that line of sight from the bridge that you
5 would see the monopole and the tank in a straight
6 line.

7 MR. EDELSON: I have to admit, I guess
8 I wasn't as sensitive to the Merritt Parkway and
9 more sensitive to the neighbors, and that's why I
10 was thinking moving north, but you're saying there
11 was pressure really to consider not moving it
12 north and getting closer to the viewshed of the
13 Merritt Parkway?

14 THE WITNESS (DiGangi): Yeah, we were
15 trying to anticipate the problem from them in the
16 siting.

17 MR. EDELSON: Okay. I was a little
18 unclear, and I'm not sure who to address this
19 question to, but this has to do with the tower
20 design. And in the answer to number 7 in the
21 interrogatories, the question was could a hinge
22 point be included, and because it said "could,"
23 and the answer was "yes," it didn't say whether or
24 not there would be a hinge point. Is that or is
25 that not part of the plan? I don't see it in the

1 diagram.

2 THE WITNESS (Mead): Jason Mead from
3 All-Points. I'd like to answer that question,
4 yes, the intention would be to install a yield
5 point at that tower, hinge point, at the 81 foot
6 elevation.

7 MR. EDELSON: Okay. So that will be
8 included in an updated drawing at some point?

9 THE WITNESS (Mead): I think what will
10 most likely happen, we can submit that as part of
11 the D&M process.

12 MR. BALDWIN: Typically, if I could,
13 Mr. Edelson, typically what applicants in this
14 instance would do is we're sensitive to the fall
15 zone issue, although we're lucky enough not to
16 have had towers fall, certainly not from their
17 base. So I think what the carriers have said in
18 the past in matters I've been involved with is
19 that it doesn't really need to be an engineered
20 fall design in the tower because the towers don't
21 fall. However, because of the history of the
22 Council's sensitivity to that issue, when and if
23 the Council determines that it's necessary, it
24 typically is imposed as a condition of approval,
25 and I think what you're hearing is we're not

1 objecting to that being imposed upon us.

2 MR. EDELSON: Thank you.

3 MR. SILVESTRI: Attorney Baldwin, thank
4 you for that response. It is appropriate that if
5 the project is approved that it would be in the
6 D&M plan, so we could proceed with that.

7 MR. EDELSON: Okay. Then the next
8 couple of questions for Mr. Libertine. In the
9 visibility picture number 3, the existing water
10 tower is very prominent, but I didn't see any sign
11 of it -- maybe my eyes aren't that good -- in any
12 of the other pictures. I just want to verify that
13 it wasn't removed photographically to show that it
14 wasn't there. So in all of the existing, all the
15 photos that were labeled existing, the existing
16 water tower is very hard to see from all of those
17 locations?

18 THE WITNESS (Libertine): Yes. You
19 will notice -- and just to clarify, for the
20 existing conditions photos, we did not remove
21 anything that is there today. So it's what's
22 there today, plus the balloon. If you look at
23 photo number 19, which we were talking about a
24 little bit earlier, there is one location on the
25 Merritt where just to the right of the sign that

1 is in the foreground you can see the top of the
2 tank with the antennas on top of it. So there are
3 locations where the tank is visible, but it's
4 really at the treeline, and it's really the
5 Merritt Parkway, as Mr. DiGangi had indicated
6 earlier, there's really minimal visibility of this
7 existing facility at the moment, but certainly
8 number 19 gives you another representation of the
9 tower.

10 MR. EDELSON: And I think it would not
11 be appropriate, but just to verify, you didn't
12 make an attempt to put in the new water tower into
13 the diagram or into the proposed?

14 THE WITNESS (Libertine): We did not.
15 And we actually went back and forth internally
16 here at APT as to how we should do that, and my
17 feeling was in this case we do have a shot, and
18 I'm not sure if we included this here, that we
19 provided to the SHPO where we had superimposed the
20 new tank, removing the old tank to show how this
21 would kind of match up from the location along the
22 Merritt where it is somewhat visible. But no, in
23 this case we decided we wanted to show the
24 freestanding tower and not the water tank itself.

25 MR. EDELSON: And even from, you know,

1 the close proximity of Skyview, do you think, you
2 know, the new -- what I'm trying to get at is, you
3 know, we have existing and proposed, and really
4 proposed from a visibility point of view is going
5 to include two things, the new tower and the new
6 water tower, the new cell tower, the new water
7 tower, and they go together, if you will. The
8 reason we're putting in the new cell tower is
9 because we want to have -- the Taxing District
10 wants to have a new water tower.

11 But from a visibility point of view,
12 would it be your professional opinion that the
13 visibility along Skyview would be more impaired or
14 less impaired if you had the new water tower also,
15 in other words, there wouldn't be like an
16 additional -- the additional visibility of the
17 cell tower would seem -- I don't want to put
18 adjectives to it -- but would not be modified
19 dramatically compared to putting in a brand new
20 water tower. The brand new tower water, just to
21 be clear, is a much bigger facility, you know,
22 when you look at 110 feet, I don't know the
23 diameter, but I'm thinking this is, you know, 25,
24 30 feet in diameter versus 3 to 5 feet, so it's
25 going to be more visible at that height.

1 THE WITNESS (Libertine): Yes, you're
2 absolutely correct. And to your point, the
3 reservoir at the top, and the new tank will rise
4 to 116 feet, so it's a little bit taller than
5 what's there today. It's about a 50 foot diameter
6 tank. So you're absolutely right, the mass that
7 you're talking about is going to be, it's going to
8 make the tower somewhat dwarfed in comparison.
9 But to your point, the reason we did not
10 superimpose the new tank in was because I felt
11 that might muddy the water, that this application
12 is strictly for the tower. And I understood that
13 this is kind of hand in hand.

14 If you'd like to see one or two
15 representative shots as part of the D&M
16 submission, we could certainly do that from some
17 of the near views just to give you a comparison.

18 MR. EDELSON: I think that would be
19 helpful in terms of the overall visibility impact
20 which is, as stated several times in the
21 application, that is basically the negative impact
22 is mostly in the visibility area.

23 MR. SILVESTRI: I just want to go back
24 to clarify that we're not approving the water
25 tower at all. We're really focusing on the cell

1 tower and kind of go from there, Mr. Edelson.

2 MR. EDELSON: No, I understand, but I
3 am concerned about visibility and the incremental
4 visibility versus it's hard to look at the cell
5 tower in isolation, I think is the point.

6 THE WITNESS (Libertine): Mr. Edelson,
7 I also want to point out, this came up earlier and
8 I was going to interject, but it wasn't really, I
9 guess, the appropriate time. This might be a
10 little bit better. As documented, we worked with
11 the SHPO. One of the options that they asked us
12 to look at was what would this thing look like if
13 you could attach, if it was feasible to attach to
14 the new water tank. And obviously we know there
15 are technical limitations why we don't want to do
16 that. However, we did take a look at that.

17 The problem we ran into there was, even
18 at 116 feet, we're still talking about trying to
19 get up to the 126 foot level for the top carrier.
20 So now you have not just appurtenances at the very
21 top of the tank, but we would have to have lifted
22 that with essentially steel infrastructure to get
23 up to that height which would have been just a
24 crow's nest, it would have looked like a mess.
25 And so that was another consideration.

1 But to your point about providing a few
2 photographs, what I'll also do is include the
3 photo that we sent to the SHPO that does clearly
4 show how the tank and the new tower essentially
5 mask one another or at least it helps mask most of
6 the new tower from those views from the Merritt.
7 So it will at least give you a perspective from
8 both the neighborhood as well as the Merritt to
9 understand what we had to deal with in terms of
10 trying to balance that.

11 MR. EDELSON: Okay. Thank you very
12 much.

13 MR. SILVESTRI: Just to clarify,
14 though, I don't believe we're going to be
15 accepting any Late-Files on this one. I'd just
16 like to get Attorney Bachman's opinion on that.

17 MR. EDELSON: I think the D&M is what
18 we were referring to.

19 MR. SILVESTRI: Attorney Bachman.

20 MS. BACHMAN: Thank you, Mr. Silvestri.
21 I am hopeful that it was the D&M plan that you
22 were referring to, if the project get approved. I
23 think we're getting a little too ahead of
24 ourselves. But certainly if the project is
25 approved, Mr. Edelson, we can certainly request

1 the information again at that time or as part of
2 the D&M plan condition of the decision and order,
3 if that is acceptable to you.

4 MR. SILVESTRI: Thank you, Attorney
5 Bachman. And again, I want to emphasize the "if."
6 Please continue, Mr. Edelson.

7 MR. EDELSON: I don't want to get the
8 cart before the horse.

9 MR. SILVESTRI: Thank you.

10 MR. EDELSON: Last question for AT&T
11 just really for my edification. I think it was in
12 the interrogatory, indicated that you did not,
13 AT&T did not expect any improvement in coverage,
14 and yet we are -- I think your antennas end up to
15 be 10 feet or more above. And I would have
16 thought you would have seen some improvement in
17 coverage or capacity. Can you comment on that?

18 THE WITNESS (Lavin): Martin Lavin,
19 AT&T. Certainly along the Merritt, if you look at
20 our plots with the proposed site, we have a bit of
21 a gap on the Merritt right where the label is for
22 Route 15 there. With the new site, we certainly
23 in that area have some better coverage, the
24 adequate or in-vehicle. I think we've seen some
25 improvement, yes, but there are two different,

1 slightly different locations.

2 MR. EDELSON: But overall the height
3 did not improve that coverage or capacity in any
4 other area around? I mean, if that's the case,
5 that's the case. I just would have thought with
6 the additional height, you would have --

7 THE WITNESS (Lavin): There is more
8 green directly north of the site about an inch on
9 the plot scale. There's an orange area close
10 to -- let me check the scale here -- maybe
11 three-eighths of a mile south of the site. It's
12 only half the size with the new tower. There are
13 some improvements. Most importantly, I think
14 we're more solid along the Merritt Parkway about
15 three-quarters of a mile there where that white
16 area comes through, we kind of bridge that with
17 orange, so it will improve there.

18 MR. EDELSON: All right. Mr. Chairman,
19 no other questions at this time.

20 MR. SILVESTRI: Thank you, Mr. Edelson.
21 I have just about 3:44 p.m. Why don't we take a
22 15 minute break, come back at 4 o'clock, and we'll
23 continue cross-examination at that time with Mr.
24 Lynch. So we'll see everyone in about 15 minutes
25 at 4 o'clock. Thank you.

1 (Whereupon, a recess was taken from
2 3:44 p.m. until 4:00 p.m.)

3 MR. SILVESTRI: Okay, everyone. I have
4 4 o'clock. I do see that we have Attorney
5 Baldwin. I do see we have Attorney Motel. I just
6 want to make sure we have our court reporter
7 before we continue. Very good. Thank you, Lisa.

8 Okay. We left off with Mr. Edelson on
9 cross-examination. And I'd like to continue
10 cross-examination of the applicant and the
11 intervenor with Mr. Lynch.

12 MR. LYNCH: Can you hear me,
13 Mr. Chairman?

14 MR. SILVESTRI: Yes, I can, Mr. Lynch.
15 Thank you.

16 MR. LYNCH: I want to start off by
17 apologizing. I'm struggling with my speech. And
18 if I need to repeat a question or a question needs
19 to be repeated or clarified, please anyone, you
20 know, feel free to tell me that. You won't hurt
21 my feelings, well, maybe you will, but that's all
22 right.

23 I want to start out with a follow-up
24 for something Mr. Hannon was talking about. We've
25 been doing this too long, Mr. Hannon. We have

1 some of the same questions. And that has to do
2 with I couldn't find that second propane tank
3 anywhere. And I would like if we can see the
4 location of the second propane tank, 500 gallon
5 propane tank, in a new diagram, not necessarily a
6 Late-File. I don't like varying things in a D&M
7 plan, but if we could get the location of that
8 second propane tank, I'd appreciate it.

9 THE WITNESS (Mead): Jason Mead from
10 All-Points. Yes, we can clarify that for a
11 resubmission during the D&M.

12 MR. SILVESTRI: Could I ask a question?
13 Let me ask a question just to help Mr. Lynch and
14 Mr. Hannon. Is the second propane tank located in
15 the same location as the first propane tank, are
16 they together?

17 THE WITNESS (Mead): As currently shown
18 on drawing C-2, yes, that's correct. It's just
19 partially obscured by the graphics for the ice
20 canopy.

21 MR. SILVESTRI: Okay, that might help
22 at this point. Thank you.

23 Mr. Lynch, please continue.

24 MR. LYNCH: Staying with the propane
25 tank for a while, I know in looking at C-1 and

1 C-2, they look like they're a proper distance from
2 any structure. And I know most propane tank
3 facilities, they like to have it 10 or 15 feet
4 away from any structure. That looks like the case
5 here; am I correct?

6 THE WITNESS (Mead): That is correct,
7 sir.

8 MR. LYNCH: And also, and having dealt
9 with propane tanks in the past, during the winter
10 there tends to be a problem with their regulators.
11 Will there be maintenance checks on the propane
12 regulator during the cold months of winter? What
13 I'm saying is the regulator freezes up.

14 MR. BALDWIN: A carrier specific
15 question, perhaps we can have Mr. Befera and Mr.
16 Bilezikian address that question.

17 THE WITNESS (Befera): We do have both
18 the generator and the tanks set up, inspected and
19 serviced on a regular basis. So yes, they will be
20 checked to make sure that when we need things to
21 operate properly, everything does.

22 MR. LYNCH: I guess what I'm really
23 asking is during the winter will you pay special
24 attention to the regulator?

25 THE WITNESS (Befera): Yes, that is

1 part of the inspection check that we do on a
2 regular basis, yes.

3 MR. LYNCH: Thank you.

4 MR. BALDWIN: On behalf of AT&T.

5 THE WITNESS (Bilezikian): That holds
6 true for AT&T.

7 MR. BALDWIN: If you can both mute your
8 phones again, that would be great.

9 MR. LYNCH: I'd like to start out with
10 Mr. Fiedler. I'm a little confused by reading the
11 application and the interrogatories and listening
12 to some your answers to the questions as to the
13 actual position of T-Mobile and Sprint. You
14 talked about them being separate, you talked about
15 them consolidating. I guess with the merger, can
16 you give me a little bit more of an understanding
17 of how T-Mobile and Sprint are going to operate,
18 or will T-Mobile eventually run everything?

19 THE WITNESS (Fiedler): I appreciate
20 that. First off, let me just say that great to
21 hear your voice, Councilman Lynch. It's been
22 quite a while. And great question. So in
23 clarification, currently we're going to run both
24 networks. So on this facility, we will maintain
25 the current infrastructure to supply coverage to

1 the customer base of both T-Mobile and Sprint.
2 Downstream is where I was leaning more towards the
3 synergy aspects of whether or not we would
4 consolidate, but at this juncture it's just clear
5 that for the next foreseeable, I would say, year
6 to two that we're going to do both.

7 MR. LYNCH: But I guess in the overall
8 future plan, you plan to run T-Mobile as one
9 operation?

10 THE WITNESS (Fiedler): That is
11 correct.

12 MR. LYNCH: Thank you. I've got to go
13 through my notes here. Please bear with me.

14 We talked a lot about emergency
15 situations, you know, having gone through a couple
16 of them in the last two months. I'm talking about
17 emergency backup for getting the telecom online.
18 But my question is what happens if your major
19 phone trunk line goes down, do you have to deal
20 with Frontier, or how do you get that back up,
21 because the emergency generators aren't going to
22 do you any good if that trunk line goes down.
23 What is the plan, I guess I'm asking, if you lose
24 phone service? Anyone can answer.

25 MR. BALDWIN: Any takers.

1 THE WITNESS (Fiedler): Ken, if you
2 want, I can go. I'm happy to answer on behalf of
3 T-Mobile Sprint. You know, our major fiber
4 provider in our network is Crown Castle
5 International, so we rely on their backbone.

6 Now, in this most recent event, we
7 worked very closely with that organization, and we
8 worked very closely with the state with regards to
9 power restoration because, to your point, it's not
10 just about what we're doing at the cell site
11 facility, but if there's a hub that has fiber
12 infrastructure that does not have back-up power,
13 then that hub cannot feed anything that we have.

14 So I think as we move forward in the
15 proliferation of wireless technology, we're all
16 realizing that power, fiber, wireless providers,
17 we're all tied together, and we have to figure out
18 the way to see each other's infrastructure in a
19 way that we're hardened so that we complement each
20 other, right, because we can do certain things on
21 a wireless platform with fixed generator support
22 or battery support as opposed to, you know, what
23 fiber providers are doing and what the electrical
24 grid is doing. So all of this is in concert.

25 And I think the Connecticut Siting

1 Council is in a great position because you're
2 overseeing the power aspects of Connecticut as
3 well as the wireless infrastructure. And I think
4 we have a great opportunity to expand on that on
5 how we harden everything we need because at some
6 point what we're all doing here today is exactly
7 that, which is broadband to consumers on a
8 ubiquitous matter. So that's the short answer, I
9 guess maybe not short, maybe long. I apologize
10 for that. But that's my take on it.

11 MR. LYNCH: But you actually lead into
12 one of my next questions, and that is technology
13 changes so rapidly and in your industry it changes
14 even faster. And to accommodate these changes,
15 whether it's in fiberoptics or antennas and so on,
16 is there something in the future that could, you
17 know, where everyone talks about 5G and so on,
18 what are we looking at in the future I guess is my
19 question.

20 THE WITNESS (Fiedler): I think what
21 you're looking at is more proliferation of RF
22 energy, and I mean that in a positive way, not a
23 negative way. We are amplifying signals to
24 handsets to consumers to phones, to cars, to
25 homes, and I believe that the proliferation of our

1 antennas will continue. Where it is -- go ahead,
2 please.

3 MR. LYNCH: That having been said, are
4 we looking at delivery of really more data, more
5 streaming and so on down the line, is that what
6 we're looking at?

7 THE WITNESS (Fiedler): We are. We
8 are. And to your earlier question, fiberoptics is
9 what's driving that, right? So the handsets are
10 advancing to where we can bring data more
11 efficiently. We have fiberoptics that we can
12 bring data to our cell sites. We can transmit it
13 through 5G technologies, and that's been proven.
14 We're all deploying that right now. We're
15 bringing new electronics. And all it is, is new
16 electronics that proliferate RF spectrum in a more
17 efficient manner. It's not new. It's not
18 something that's, you know, to be concerned or
19 scared about. It's just advancing what we're
20 doing. And by doing so, your handset will grow,
21 your laptop, your iPad, everything will grow in
22 concert with our ability to transmit, and that's
23 what we're doing here today. That's what this
24 application is all about is ensuring that we can
25 do what we're currently doing and maintain that

1 for a long stream. So I hope that helps.

2 MR. LYNCH: It did. But you mentioned
3 antennas, and I know they're trying to restrict
4 the antennas. Now, you and I both have been
5 looking at antennas for a lot of years, and I've
6 noticed a trend lately and whether it's with
7 T-arms or flush mounts, with the new technology
8 coming out some where down the line they become
9 full arrays. Now, you know, is this possible to
10 happen here, or Mr. Libertine might jump in and
11 say, you know, are we restricted by what SHPO is
12 really saying, and would SHPO really know if the
13 antennas were switched out, you know, two or three
14 years down the road?

15 THE WITNESS (Fiedler): I'm not going
16 to speak for Mr. Libertine, but looking at the
17 drawings, it's showing full arrays. Whether we
18 each have certain antennas on each array, I think
19 it's showing it as the way it should be, which is
20 it's a tower, and it has to have the ability to
21 bring as much electronics to the forefront which
22 is the top of the tower.

23 So Mike, I'll let you weigh in on that
24 on the visual side.

25 THE WITNESS (Libertine): Thanks, Hans.

1 At the moment, if there was to be a deployment of
2 new antennas there, we would be bound to at least
3 evaluate that based on the size. That's really
4 going to be the trigger for whether or not SHPO
5 even needs to review any type of a modification.
6 So it really comes down to what the next evolution
7 of the equipment is. The only thing we're bound
8 on right now for an approval for compliance on a
9 federal level through NEPA is the offset, that 3
10 foot offset. So I think anything else is, at
11 worst, negotiable, and, at best, probably just a
12 quick swap out.

13 MR. LYNCH: Thank you. Earlier it was
14 mentioned that there could be blasting. I forget
15 who was asked the question. But if blasting was
16 to occur, you know, if you needed to blast, would
17 the residents get a warning on when it would be
18 happening and, you know, to be aware of it?

19 THE WITNESS (Mead): Jason Mead from
20 All-Points. I'd just like to clarify that. We
21 don't foresee any need for blasting at this site.

22 MR. LYNCH: I know that was your answer
23 before. I'm saying if there was blasting, the
24 hypothetical.

25 THE WITNESS (Mead): Last resort would

1 be chipping away conventionally based on what we
2 see in the geotech report, again, as mentioned
3 before, with a conventional hoe ram. If blasting
4 were to occur, we would adhere to all the local
5 and state regulations, of course.

6 MR. LYNCH: Thank you. You also
7 mentioned the yield point on the tower. Could you
8 repeat what level that was at?

9 THE WITNESS (Mead): Yes, sir. 81
10 feet, which 49 feet below the top of the tower, 49
11 feet being the closest property line which is to
12 the north.

13 MR. LYNCH: Now, I know putting a yield
14 point in a tower is very popular. But have you
15 any record of a tower that didn't have a yield
16 point going over? Like I said, I've been watching
17 this for a lot of years, and I can't remember. I
18 know some lattice towers have gone over, toppled
19 over, but has any monopole ever gone over, to your
20 knowledge?

21 THE WITNESS (Mead): To my knowledge,
22 no, sir.

23 MR. LYNCH: Mr. Chairman, I think I'm
24 all through.

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

1 I have a few.

2 MR. LYNCH: Excuse me, I do have one
3 other question, if you don't mind.

4 MR. SILVESTRI: Go right ahead.

5 MR. LYNCH: In the event of another big
6 storm or most likely maybe looking at another
7 hurricane next week or so, what are the procedures
8 for all the carriers for, you know, preparing for
9 a major storm, whether it be a hurricane or a
10 blizzard, you know, as far as getting your site in
11 order, you know, topping off your propane tanks
12 and checking everything to make sure everything is
13 operating, generators and so on, is there a
14 strategic plan, and do you have someone contracted
15 to do that?

16 MR. BALDWIN: Who's first this time,
17 Dan? Tony?

18 THE WITNESS (Befera): I don't mind
19 going first. We do. In preparation of storms, we
20 have resources on retainer to service the
21 equipment, top off the tanks, whether they be
22 diesel or propane, and then we line up resources
23 for refueling. And we have an arsenal, I'd say,
24 of portable generators for sites that we weren't
25 able to put permanent generators at and resources

1 to deploy them as needed to the sites where we
2 weren't able to put a permanent generator. So
3 there is a lot of preparation work that goes into
4 it. I mean, it's not our first rodeo, but the
5 operations team, known as network assurance, made
6 up of all the field engineers, are very adept at
7 what needs to be done in preparation and once the
8 storm is over how to move in quickly with the
9 resources and get the network up and running as
10 fast as possible where there had been failures.

11 MR. LYNCH: Anyone else?

12 MR. SILVESTRI: How about AT&T?

13 THE WITNESS (Bilezikian): I can't
14 really speak to that question. I don't have that
15 familiarity with the operations relating to storm
16 preparation.

17 MR. SILVESTRI: Mr. Fiedler.

18 THE WITNESS (Fiedler): Yes, sir. So
19 thank you. I will use the current storm Sally
20 right now as an example. From a T-Mobile Sprint
21 perspective is we're watching everything on a
22 regular basis, and we are on 24/48 hour awareness
23 of anything that we need to do in order to
24 recover. First and foremost is we've spent a
25 significant amount of capital expenditure in

1 hardening our network. So we have fixed
2 generators, as Verizon has indicated the same
3 philosophy, is everything is topped off and ready
4 to go.

5 Should a storm occur, the first thing
6 we do is we optimize the network. I mean, we have
7 to recognize that everything that we do here is we
8 are building sites so that we have ubiquitous
9 coverage, but we also have capacity, right? So we
10 can optimize anything that we have in order to
11 ensure that a town, a municipality, is receiving
12 the minimal coverage required, and that's the
13 first thing that we do.

14 And secondarily is exactly what Verizon
15 has demonstrated is we deploy resources
16 immediately to recon that. But I can't stress
17 enough that there has to be a partnership with the
18 electric providers, and we've asked that of the
19 current administration post this past storm, and
20 not only the tornado that came through New Haven,
21 right. So that was a significant impact, but we
22 recovered in a very quick manner.

23 So to your point, I think it's
24 relevant, and I think we're doing everything we
25 can to advance our technology to mask everything

1 that we need to do. So hopefully that gives you a
2 bit more perspective on what we're doing, at least
3 from the T-Mobile Sprint side.

4 MR. LYNCH: Thank you, gentlemen. I'm
5 all set, Mr. Chairman.

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

7 Mr. Fiedler, I want to stay on that
8 topic, if you will, storm prep. I believe you
9 used the word "hardening" before. So the question
10 I'd like to pose to you that if you're not going
11 to have a generator at the proposed site, what
12 happens?

13 THE WITNESS (Fiedler): The battery
14 backup there is going to allow us to bring
15 portable electrical service, as needed, based on
16 storm recoveries. And we have assets in market
17 that can do that within a period of 24 hours. So
18 we have right now proposed battery backup that
19 sustains what we need from that site, and we have
20 neighboring sites that do the optimization that I
21 just described that are fixed generated supplied
22 electricity.

23 MR. SILVESTRI: So if I could use the
24 words, would this be a business decision as to
25 whether you would install a generator and have to

1 bring in a generator, if need be, a kind of
2 business decision?

3 THE WITNESS (Fiedler): It's not a
4 business decision. It's a continuity decision.
5 It's a question of our continuity of the network
6 and where we believe the most, you know, resource
7 of assets is appropriate, if that helps.

8 MR. SILVESTRI: A little bit.

9 THE WITNESS (Fiedler): A little bit?
10 I can give you a little bit greater.

11 MR. SILVESTRI: Let me pose this one to
12 you: In the event that the proposed project is
13 approved, that you don't have a generator, your
14 batteries are running low, could you jumper off
15 one of the existing generators at that site?

16 THE WITNESS (Fiedler): We could not.

17 MR. SILVESTRI: Okay. So you'd have to
18 bring something in?

19 THE WITNESS (Fiedler): We would.

20 MR. SILVESTRI: Very good. Okay.
21 Thank you. While I have you, the batteries that
22 we talk about, they're lead acid batteries?

23 THE WITNESS (Fiedler): Yes, sir.

24 MR. SILVESTRI: Thank you. Would that
25 be also true for AT&T?

1 THE WITNESS (Bilezikian): Yes.

2 MR. SILVESTRI: And for Verizon also
3 lead acid batteries?

4 MR. BALDWIN: Tony?

5 MR. SILVESTRI: Mr. Befera?

6 THE WITNESS (Befera): Yeah. I'm
7 sorry. The battery strings are lead acid
8 batteries. They look like a string. If you
9 looked at them, they look like a long string of
10 car batteries stacked in a casing.

11 MR. SILVESTRI: Understood. I just
12 wanted to verify that they were lead acid
13 batteries as opposed to getting into lithium or
14 anything else that might be along the line. Thank
15 you.

16 Mr. Mead, I want to get back to a
17 question that Mr. Perrone had posed to you before
18 about noise and just want to clarify. The
19 generators would be exempt from noise regulations
20 if they're running in an emergency situation,
21 correct?

22 THE WITNESS (Mead): That is correct,
23 yes.

24 MR. SILVESTRI: But if you're running
25 for testing purposes, they would not be exempt

1 from the noise regulation, correct?

2 MR. BALDWIN: It sounds more like a
3 legal question, Mr. Silvestri. I think they would
4 simply for the purposes of testing. If the
5 ultimate operation is for emergency purposes, I
6 think still they would fit within the emergency
7 exemption of the noise --

8 MR. SILVESTRI: No, I'll let that go,
9 Attorney Baldwin, as I don't have you as a sworn
10 witness, but I do appreciate your comment. Again,
11 I'll let that one go. But what I'm hearing from
12 the questions that Mr. Perrone had posed is that
13 the generator, either way, running for testing
14 purposes or running in an emergency, would be
15 noise compliant. Mr. Mead, is that correct?

16 THE WITNESS (Mead): That is correct.

17 MR. SILVESTRI: Very good. Thank you.
18 I'll move on. I would like to go back to the
19 original drawing that's in the application, and
20 this is drawing C-3, not the revised one that was
21 submitted but the original application. And just
22 a clarification question that over on the
23 right-hand side there's a 1,990 gallon propane
24 tank. That is not for the cell tower system,
25 that's for the water tower, correct?

1 THE WITNESS (Libertine): That is
2 correct.

3 MR. SILVESTRI: Very good. Thank you.
4 Now, if I understand and read everything
5 correctly, the height of the proposed water
6 reservoir is 111 feet, and there's a hand rail on
7 top of that that would go to 116 feet. The
8 question I have is, will that height interfere
9 with service from the proposed Verizon, T-Mobile
10 and Sprint equipment locations because they range
11 between 96 feet and 116 feet?

12 THE WITNESS (Libertine): Could you
13 repeat that?

14 MR. SILVESTRI: Do you want me to
15 repeat that?

16 THE WITNESS (Libertine): Yes. Thank
17 you.

18 MR. SILVESTRI: All right. Again,
19 looking at drawing C-3 as a reference, if I look
20 at the water reservoir, it's 111 feet tall, and
21 then there's a hand rail at 116 feet, agreed? Do
22 you see that so far?

23 THE WITNESS (Libertine): Yes.

24 MR. SILVESTRI: So the question I have,
25 with those heights, the height of the water tower

1 and the height of the hand rail, would it
2 interfere with service from the proposed Verizon,
3 T-Mobile and Sprint equipment locations because
4 the locations for them range between 96 feet and
5 116 feet?

6 THE WITNESS (Libertine): I'm going to
7 defer in one moment to the carriers, but from our
8 perspective having worked closely with them, we
9 actually offset the tower so that we would not
10 have those interference issues as they shot up and
11 down the Merritt Parkway. But I will certainly
12 defer to the RF experts in terms of whether the
13 hand rail or -- certainly we were told that there
14 would be interference if we did not shift slightly
15 to where we did so we could get outside the
16 influence of a shadow of the tank reservoir.

17 MR. BALDWIN: Perhaps each of the
18 carrier's RF engineers could speak to the issues
19 that went into the planning for the tower location
20 and its relationship to the new tank.

21 THE WITNESS (Murillo): I can start.
22 So from T-Mobile's perspective, it will not
23 interfere. Our main beam on the alpha sector
24 shoots to the north on the Merritt Parkway, and
25 our beta sector also shoots away from that water

1 tank. So that water tank is more in the null
2 area, so we're going to be fine. It's not going
3 to have any interference issues.

4 MR. SILVESTRI: So even though you have
5 a height issue because of the direction that
6 you're aiming your equipment for whatever area
7 that you want to serve, you would not have
8 interference; am I saying that correctly?

9 THE WITNESS (Murillo): The area that
10 we're trying to target from our alpha and beta
11 sectors are going to basically cover what we need.
12 That area in between where the water tank is, is a
13 null area, so we will not have interference.

14 MR. SILVESTRI: So it avoids that area?

15 THE WITNESS (Murillo): Yes.

16 MR. SILVESTRI: Okay. Thank you.

17 Would that be also true for other carriers or for
18 Verizon in this case?

19 THE WITNESS (Gadasu): Shiva Gadasu, RF
20 engineer from Verizon. It's the same case. We
21 are just above T-Mobile, we are at 116 feet
22 centerline. But yeah, our antennas are redesigned
23 in such a case that the water tower is right
24 between the null of the two sectors.

25 MR. SILVESTRI: Okay. Thank you. And

1 I think I have one other question going back to
2 what Mr. DiGangi had talked about before with PCB
3 contamination and lead contamination. Do you know
4 if any contamination is in the area of the
5 proposed compound?

6 THE WITNESS (DiGangi): Yes. Our
7 consultant evaluated the entire site, and no, the
8 map is showing that we have where it was found,
9 not -- so every place that's not shown it's not
10 there.

11 MR. SILVESTRI: Very good. Thank you.
12 I don't have further --

13 THE WITNESS (Libertine): Excuse me,
14 Mr. Silvestri. This is Mike Libertine.

15 MR. SILVESTRI: Yes, Mr. Libertine.

16 THE WITNESS (Libertine): I'd like to
17 clarify. I'm sorry, I misunderstood the question
18 you asked about the new C-3 versus the old C-3
19 drawing and that generator that's called out in
20 the original application.

21 MR. SILVESTRI: Yes.

22 THE WITNESS (Libertine): I'd just like
23 to clarify. That has been moved. That is not
24 associated with the water tank. That is actually
25 -- that was originally where the propane tank was

1 going to be remote from the compound, so that's
2 since been moved. So I'm sorry if I confused the
3 issue. I guess I didn't fully understand the
4 question or -- but I did want to get that on the
5 record. So the original C-3 drawing that does
6 show the 1,990 gallon tank, that has been
7 relocated, and it is not associated with the water
8 tank. It's associated with the carriers and the
9 compound for the telecommunications facility.

10 THE WITNESS (Mead): If I may add to
11 that also. That 1,990 gallon tank was split into
12 the two 500 gallon tanks that you now see within
13 the compound.

14 MR. SILVESTRI: All right. Now I think
15 I understand. So to clarify, originally that
16 might have been for the compound, but now
17 everything is moved and you're going to have two
18 500 gallon propane tanks in the location that we
19 discussed earlier?

20 THE WITNESS (Mead): That is correct,
21 sir.

22 MR. SILVESTRI: Very good. Mr.
23 Libertine, thank you for the clarification as
24 well.

25 THE WITNESS (Libertine): Thank you,

1 sir.

2 MR. SILVESTRI: I don't personally have
3 any additional questions, but at times when you
4 ask questions and get answers back, sometimes it
5 spurs other questions. So I'd like to go back to
6 our Council members and Council staff just to see
7 if they had any follow-up questions. And I'd like
8 to start with Mr. Perrone, please.

9 MR. PERRONE: Yes, sir, I have two.
10 For T-Mobile, I understand that it's still being
11 looked at whether you would have two separate
12 concrete pads or share one, for T-Mobile versus
13 Sprint, but for the tower itself are you
14 definitely looking at two separate arrays at this
15 time?

16 THE WITNESS (Fiedler): We are,
17 correct.

18 MR. PERRONE: And lastly, the response
19 to Council Interrogatory Number 10, the response
20 referred to the galvanized tower and equipment on
21 the tower being painted to match. Could you
22 clarify what type of finish or what color would be
23 contemplated?

24 THE WITNESS (Libertine): We've
25 committed to matching the tank color itself which

1 will be consistent with the SHPO's recommendation.

2 MR. PERRONE: And roughly what color is
3 that?

4 THE WITNESS (Libertine): It's
5 generally a sky blue. I'm not sure that's
6 necessarily the exact color match, but in that
7 neighborhood.

8 THE WITNESS (DiGangi): The tank is
9 actually, the fluting is dark green and the
10 reservoir itself is a very, very light green that
11 would pass for blue. The concept is on the ground
12 we want the dark, and the sky we want the light
13 color.

14 THE WITNESS (Libertine): But to your
15 point, Mr. Perrone, that will be coordinated with
16 the folks at The First Taxing District. And thank
17 you, Mr. DiGangi, for clarifying that. I might be
18 a little bit color blind.

19 MR. PERRONE: I'm all set. Thank you.

20 MR. SILVESTRI: Thank you, Mr. Perrone.

21 I'd like to see if Mr. Morissette has
22 any follow-up questions.

23 MR. MORISSETTE: Yes. Thank you, Mr.
24 Silvestri. Just one quick follow-up on the
25 propane tank. You're going from a 1,900 gallon to

1 two 500s. Was the original 1,900 for both
2 generators, and what's the reasoning for going to
3 two 500 which is approximately 50 percent the
4 sizing of the original 1,900?

5 THE WITNESS (Mead): Yes, I can answer
6 that, Mr. Morissette.

7 MR. MORISSETTE: Thank you.

8 THE WITNESS (Mead): The original
9 intention was to use a shared generator on site.
10 Obviously, carriers do not wish to use shed
11 generators for many reasons. So we went back to
12 the drawing board and at that time decided that
13 two 500 gallon tanks would be more appropriate for
14 this application given that AT&T had shown
15 interest in the DC power generator and Verizon
16 with the 30 kW AC power generator.

17 MR. MORISSETTE: Is there any concerns
18 about having 50 percent less capacity for the fuel
19 tank as far as running hours are concerned?

20 THE WITNESS (Mead): No. Actually, we
21 did some calculations based on -- some preliminary
22 calculations based on the size of the generators
23 that will be deployed at the site, and there's
24 more than adequate capacity for both carriers.

25 MR. MORISSETTE: Great. Very good.

1 Thank you. That's all I have.

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

4 I'd like to go next to Mr. Harder, if
5 Mr. Harder has any follow-up questions.

6 MR. HARDER: No, thank you. No further
7 questions.

8 MR. SILVESTRI: Thank you, Mr. Harder.
9 Mr. Hannon, any follow-up questions?

10 MR. HANNON: Yes, I have two. Seeing
11 as how I'm hearing that there was dialogue going
12 back and forth with originally a shared generator
13 and now not, if the Siting Council were to approve
14 this project and requiring a shared generator, is
15 that something that people can live with?

16 THE WITNESS (Bilezikian): Dan
17 Bilezikian. I can speak for AT&T. Their
18 preference would be to have no generator, no
19 back-up generator, rather than to share a
20 generator.

21 MR. HANNON: Okay, but that doesn't
22 really answer the question. I'm asking if that
23 was the decision to go forward and it was a shared
24 generator, would AT&T then say no generator?

25 THE WITNESS (Bilezikian): Well, AT&T's

1 preference, again, would be no generator. If the
2 condition is that they have to share a generator,
3 they would comply, but that's not their
4 preference.

5 MR. HANNON: Thank you. Anybody else
6 want to answer?

7 MR. SILVESTRI: Verizon?

8 THE WITNESS (Befera): We prefer the
9 separate generators for a couple of reasons. We
10 feel that we control our own fate. We've had a
11 great deal of success and good penetration at
12 about 94 percent of our sites in Connecticut with
13 permanent generators. When you talk about, you
14 know, the valve on the propane, the generators are
15 an engine, not much different than the engines in
16 our cars. And if you have, say, for example, in
17 this instance AT&T and Verizon on the same
18 generator, for argument's sake let's say that we
19 have 50 percent of the customers in Connecticut,
20 in this area of Connecticut, and Sprint and
21 T-Mobile have the other 50 percent, say, and now
22 you have a single point of failure in a power
23 failure situation where, if the generator doesn't
24 work or runs out of fuel, and you've got two
25 carriers, now instead of only 25 percent of your

1 population in the case of one of two generators
2 failing, now you have both carriers out of service
3 because they relied on the same generator, so you
4 have twice as many people without service in an
5 emergency situation. So we like to control our
6 own fate, maintain our own stuff, and maintain our
7 own networks.

8 MR. HANNON: I think those are the only
9 two that were talking about a back-up generator.

10 My second question is for T-Mobile.
11 And if I understood you correctly, you were
12 talking about you would have equipment in place
13 that could go out to some of these area sites
14 where you're on a tower and provide the back-up
15 service within 24 hours. My question on that is,
16 how do you do that when the problem is trees in
17 the road and you can't get through?

18 THE WITNESS (Fiedler): Great question.
19 Well, in those situations we'd have to work with
20 the, you know, municipalities in order to clear
21 that. We do have crews that are equipped with
22 chainsaws to help us get to tower facilities when
23 it comes to that, but if it's in the road and it's
24 on the powerline we can't touch that so we have to
25 work with the utility companies. So that's why I

1 think the concert approach with regards to
2 electrical grid restoration is very important.

3 MR. HANNON: Okay. Thank you. Those
4 are my questions. Thank you.

5 MR. SILVESTRI: Thank you, Mr. Hannon.
6 I'd like to go next to Mr. Edelson, if
7 Mr. Edelson has any follow-up questions.

8 MR. EDELSON: No, I don't. Thank you.

9 MR. SILVESTRI: Thank you, Mr. Edelson.
10 Mr. Lynch, any follow-up questions?

11 MR. LYNCH: Yes, I do, Mr. Chairman.
12 And for T-Mobile, Mr. Fiedler, I understand from
13 your testimony today that you plan on operating
14 both T-Mobile and Sprint separately for a period
15 of time. Now, my question is, as I look at the
16 diagram of the tower, I see that T-Mobile antennas
17 and Sprint antennas are only 2 feet apart. Don't
18 you usually have a 10 foot separation between
19 antennas?

20 THE WITNESS (Fiedler): I think it's
21 more than 2 feet, Councilman Lynch. I think it's
22 106 to 96 is what I see on the drawings. And
23 correct me if I'm wrong, anybody on the phone
24 here.

25 THE WITNESS (Libertine): That's the

1 centerline distance is 10 feet, correct.

2 THE WITNESS (Fiedler): Yes.

3 MR. LYNCH: Thank you.

4 THE WITNESS (Fiedler): Thank you.

5 MR. SILVESTRI: Anything else, Mr.
6 Lynch?

7 MR. LYNCH: Negative, Mr. Chairman.

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

9 I only have one other question to pose,
10 and it's a curiosity question. Did the applicant
11 consider any other designs rather than a monopole?

12 THE WITNESS (Libertine): In working
13 with the SHPO, the only other -- well, there were
14 two options that they would have considered. One
15 was the internal flag pole arrangement which was
16 deemed not to be feasible here because it would
17 have required a much larger diameter pole, and I'm
18 not even sure we could have done it, and it would
19 have been probably 40 or 50 feet higher.

20 Certainly, the other option was to
21 attach to -- keep the existing tank in place as
22 is, or to try to attach to the new tank, both of
23 which options were ruled out for some of the
24 reasons we've discussed. So the short answer is,
25 no, not really. They are not, for some reason,

1 very open to even discussing monopines at this
2 point unless it's in a, I guess, in the right
3 location, and even then we've had some discussions
4 about whether or not that's even feasible. So we
5 were really limited in this case. And that's why
6 the painting and the silhouetting, if you will,
7 against the new tank was really the preferred
8 option from SHPO's perspective.

9 MR. SILVESTRI: Very good. Thank you,
10 Mr. Libertine. That's a question I normally ask
11 for a lot of the cell tower applications that we
12 have.

13 Okay. The Council will recess until
14 6:30 p.m., at which time we will commence the
15 public comment session of this remote public
16 hearing.

17 And Attorney Baldwin, I believe you'll
18 be doing a brief presentation at that time; is
19 that correct?

20 MR. BALDWIN: Yes.

21 MR. SILVESTRI: Very good. We're in
22 recess then until 6:30 p.m.

23 (Whereupon, the witnesses were excused
24 and the hearing adjourned at 4:45 p.m.)
25

1 CERTIFICATE

2

3 I hereby certify that the foregoing 110 pages

4 are a complete and accurate computer-aided

5 transcription of my original stenotype notes taken

6 of the HEARING HELD BY REMOTE MEANS IN Re: DOCKET

7 NO. 489, THE FIRST TAXING DISTRICT WATER

8 DEPARTMENT OF NORWALK APPLICATION FOR A

9 CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND

10 PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND

11 OPERATION OF A TELECOMMUNICATIONS FACILITY LOCATED

12 AT 173 1/2 WEST ROCKS ROAD, NORWALK, CONNECTICUT,

13 which was held before ROBERT SILVESTRI, Presiding

14 Officer, on September 15, 2020.

15

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17 

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19 Lisa L. Warner, CSR 061

20 Court Reporter

21 BCT REPORTING SERVICE

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24

25

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

2 APPLICANT AND INTERVENOR EXHIBITS
3 (Received in evidence)

4 EXHIBIT	DESCRIPTION	PAGE
5 II-B-1	Application for a Certificate of 6 Environmental Compatibility and Public 7 Need filed by The First Taxing District 8 Water Department, received March 17, 9 2020, and attachments and bulk file 10 exhibits including: 11 a. Technical report, dated 12 October 31, 2020 13 b. City of Norwalk Zoning 14 regulations 15 c. City of Norwalk Inland Wetlands 16 and Watercourses regulations 17 d. City of Norwalk Plan of 18 Conservation and Development	18
14 II-B-2	New Cingular Wireless PCS, LLC (AT&T) 15 request to intervene, dated 16 April 6, 2020.	18
16 II-B-3	Applicant's responses to Council 17 interrogatories, Set One, dated 18 April 23, 2020.	18
17 II-B-4	Applicant's supplemental responses 18 to Interrogatory Nos. 14 and 30, 19 dated June 2, 2020.	18
18 II-B-5	Applicant's affidavit of publication, 19 dated June 11, 2020.	18
19 II-B-6	Applicant's sign posting affidavit, 20 dated July 13, 2020.	18
20 II-B-7	Applicant's responses to Council's 21 interrogatories, Set Two, dated 22 July 27, 2020.	18
21 II-B-8	Applicant's response to Interrogatory 22 No. 50, virtual field review, dated 23 July 27, 2020.	18

24 **All exhibits were retained by the Council.