



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Hearing Program

Docket No. 499

Thursday, June 24, 2021

2:00 p.m.

Zoom Remote Public Hearing

I. Opening by Council

A. Statement read by Presiding Officer.

B. Motion

1. Applicants' Motion for Protective Order Related to Disclosure of the Compensation and Financial Information in the Letter Agreement Between Homeland Towers, LLC and the Owner of Coote Hill Road, dated June 17, 2021
2. Applicants' Motion on the Scope of Intervenor Greenbaum's Participation, to Compel Disclosure of Intervenor's Witnesses and to Exclude Certain Intervenor Exhibits and Pre-Filed Testimony, dated June 18, 2021

C. Administrative Notice taken by Council

FEDERAL

1. FEDERAL COMMUNICATIONS COMMISSION, OFFICE OF ENGINEERING AND TECHNOLOGY, *Questions and Answers About Biological Effects and Potential Hazards of Radiofrequency Electromagnetic Fields, OET Bulletin No. 56, August 1999, available at https://transition.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet56/oet56e4.pdf*
2. FEDERAL COMMUNICATIONS COMMISSION, OFFICE OF ENGINEERING AND TECHNOLOGY, *Evaluating Compliance with FCC-Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, OET Bulletin No. 65, August 1997, available at https://transition.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet65/oet65.pdf*
3. FEDERAL COMMUNICATIONS COMMISSION, *Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation Report and Order, August 1, 1996, available at https://transition.fcc.gov/Bureaus/Engineering_Technology/Orders/1996/fcc96326.pdf*
4. Telecommunications Act of 1996, as amended, Pub. L. No. 104-104, 110 Stat. 56 (codified as amended in scattered sections of 47 U.S.C), *available at <https://transition.fcc.gov/Reports/tcom1996.pdf>*
5. FEDERAL COMMUNICATIONS COMMISSION, *Warning, Alert and Response Network Act, Pub. L. No. 109-437, 120 Stat. 1936 (2006), (codified at 47 U.S.C. §332(d)(1)) (2006), available at <https://transition.fcc.gov/pshs/docs/emergency-information/emas-warn-act.pdf>*

6. Wireless Communications and Public Safety Act of 1999, as amended, 47 U.S.C. §§ 615-615b, as amended, *available at* <https://www.congress.gov/bill/106th-congress/house-bill/438/text/ih>.
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11. Presidential Proclamation No. 8460, 74 Fed. Reg. 234 (December 8, 2009), *available at* <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
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13. Presidential Policy Directive No. 21, Critical Infrastructure Security and Resilience, February 12, 2013, *available at* <https://obamawhitehouse.archives.gov/the-press-office/2013/02/12/presidential-policy-directive-critical-infrastructure-security-and-resil>
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26. FEDERAL COMMUNICATIONS COMMISSION, *FCC Fact Sheet: Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Third Report and Order*, FCC 18-133, September 27, 2018, available at <https://docs.fcc.gov/public/attachments/DOC-353962A1.pdf>
27. FEDERAL COMMUNICATIONS COMMISSION, *Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012, Declaratory Ruling and Notice of Proposed Rulemaking*, FCC 20-75, June 10, 2020, available at <https://ecfsapi.fcc.gov/file/0610971105336/FCC-20-75A1.pdf>
28. FEDERAL COMMUNICATIONS COMMISSION, *Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests*

Under Section 6409(a) of the Spectrum Act of 2012, *Report and Order*, FCC 20-153, November 3, 2020, available at <https://docs.fcc.gov/public/attachments/FCC-20-153A1.pdf>

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MAPS

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77. NATIONAL AUDUBON SOCIETY, *Connecticut Important Bird Areas*, available at <http://netapp.audubon.org/iba/state/US-CT>
78. Mail-A-Map Street Map, Sherman, available at <http://mailamap.com/street-maps>
79. UNITED STATES GEOLOGICAL SURVEY, Interactive Topographical Map Viewer, available at <https://ngmdb.usgs.gov/topoview/viewer/#4/39.98/-100.06>

D. State Agency comments

1. Connecticut Airport Authority Comments, dated April 14, 2021
2. Council on Environmental Quality Comments, dated April 29, 2021

E. Municipal comments

1. Town of Sherman Telecommunications Committee Comments, dated March 15, 2021
 2. Town of Sherman Conservation Commission Comments, dated March 16, 2021
 3. Town of Sherman Conservation Commission Additional Comments, dated May 12, 2021
 4. Town of Sherman Planning and Zoning Commission Comments, received May 17, 2021
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II. Appearance by Applicants

Applicants: Homeland Towers LLC and
New Cingular Wireless PCS, LLC (ATTHT)

Representatives: Lucia Chiocchio, Esq.
Christopher B. Fisher, Esq.
Cuddy & Feder LLP

A. Administrative Notice.

1. **CONNECTICUT SITING COUNCIL DOCKET NO. 315** - Optasite, Inc. Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 29 Bogus Hill Road in New Fairfield, Connecticut. Record, *available at* <https://portal.ct.gov/CSC/Decisions/DocketLists/Docket-List-Nos1-499>

B. Exhibits for Identification.

1. Application for a Certificate of Environmental Compatibility and Public Need filed by Homeland Towers LLC and New Cingular Wireless PCS, LLC (AT&T), received March 12, 2021, and attachments and bulk file exhibits including:

Bulk file exhibits:

- a. Town of Sherman Plan of Conservation and Development
 - b. Town of Sherman Zoning Regulations
 - c. Town of Sherman Zoning Map
 - d. Town of Sherman Inland Wetlands and Watercourses Regulations
 - e. Technical Report
2. Applicants' Affidavit of Publication, dated March 24, 2021
 3. Signed Protective Order, dated May 6, 2021
 4. Applicants' Responses to Council Interrogatories, Set One, dated May 11, 2021
 5. Applicants' Supplemental Submission, dated May 18, 2021
 6. Applicants' Response to Stan Greenbaum's Adjournment Request and Related Comments, dated May 18, 2021

7. Applicants' Responses to Council Interrogatories, Set Two, and Late-Filed Exhibits, dated June 17, 2021
8. Applicant's Responses to Stan Greenbaum Interrogatories, dated June 17, 2021
9. Signed Protective Order, dated June 24, 2021

C. Swear Witnesses

1. Raymond Vergati, Regional Manager, Homeland Towers, LLC
2. Manuel Vicente, President, Homeland Towers, LLC
3. Harry Carey, External Affairs, AT&T
4. Robert Burns, P.E., Project Manager, All Points Technology Corporation, P.C.
5. Michael Libertine, LEP, Director of Siting and Permitting, All Points Technology Corporation, P.C.
6. Dean Gustafson, Professional Soil Scientist and Senior Wetland Scientist, All Points Technology Corporation, P.C.
7. Brian Gaudet, Project Manager, All Points Technology Corporation, P.C.
8. Martin Lavin, Radio Frequency Engineer, C² Systems on behalf of AT&T
9. Dan Stebbins, AT&T FirstNet

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Stan Greenbaum
2. Council

III. Appearance by Intervenor: Stan Greenbaum

A. Administrative Notice.

1. Map of Coote Hill Road, now owned by Pepper Jones
2. Property Deeds of Coote Hill Property Owners
 - a) Berinstein Deed
 - b) Kuring Deed
 - c) Additional deeds
3. Leases With Cell Phone Providers and Emergency Services on Tower Owned By New Fairfield in Patterson, NY
 - a) Verizon Lease
 - b) T-Mobile Lease
 - c) Putnam County Lease
4. Letter From Sherman Volunteer Fire Department Regarding the Suitability of the New Fairfield Tower, July 21, 2017
 - a) Correspondence: SVFD re: New Fairfield Tower, East Mountain tower
 - b) Town of Sherman rejection of New Fairfield Tower Lease
5. Letter from Pat Del Monaco, First Selectman of New Fairfield indicating willingness to entertain leases from the Town of Sherman and AT&T for the New Fairfield tower in Patterson, NY
6. Petition for Special Town Meeting to approve a tower lease with New Fairfield and the funding for the work.

7. Letter from Aldo Pascarella, President, Timber Trails Club, Inc. Re: Wanzer Mtn tower location and immediate location of emergency services, Litchfield County Dispatch and public works on the Aquarion Water Company on Big Trail Extn.
8. Petition for Special Town Meeting to approve a tower lease with New Fairfield and the funding for the work. Attachment 9 - Letter from Aldo Pascarella, President, Timber Trails Club, Inc. Re: Wanzer Mtn tower location and immediate location of emergency services, Litchfield County Dispatch and public works on the Aquarion Water Company on Big Trail Extn.
9. FOI Requests from the Board of Selectmen in Sherman and New Fairfield
 - a) April 8, 2021: Town of Sherman
 - b) April 13, 2021: Town of Sherman
 - c) April 12, 2021: Town of New Fairfield
 - d) June 8, 2021: Town of Sherman
10. Town of Sherman rejection of Timber Trails Water Tank, July 15, 2019
11. June 3, 2021 Letter From First Selectman of New Fairfield re: willingness to entertain tower lease agreements on their Tower Hill cell tower in Patterson NY with the Town of Sherman and AT&T
12. Rand McNally Road Maps showing, in detail the roads of southern Sherman

B. Exhibits for Identification.

1. Greenbaum's Request for Intervenor Status, dated May 18, 2021
2. Greenbaum's Pre-Filed Testimony with Attachments, dated May 18, 2021
3. Greenbaum's Responses to Applicants' Interrogatories, dated June 14, 2021
4. Greenbaum's Pre-Hearing Submission, dated June 17, 2021
 - Attachment 4 - Photos and images
 - a) Visual impact study
 - b) July 26, 2013 balloon float from 150 Rt. 37 South
 - c) May 21, 2021 crane tower simulation
 - Attachment 10 - Coote Hill Road traffic study, June 15, 2021
 - Attachment 11 - Signed Letter from Aldo Pascarella, President, Timber Trails Club, Inc. Re: Wanzer Mtn. tower location and immediate location of emergency services, Litchfield County Dispatch and public works on the Aquarion Water Company on Big Trail Extn.
 - Attachment 12 - Propagation maps predicting cell signal coverage
 - Attachment 16 - Excel Spreadsheet Study of Call Coverage on Roads in Southern Sherman

C. Swear Witnesses.

1. Stan Greenbaum
2. Richard Touroonjian, Radio Frequency Engineer, Allegiant Wireless
3. Jennifer Prescott
4. Loretta Quaranto
5. Stephen Quaranto
6. Aldo Pascarella

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

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1. Council
2. Applicants

IV. Closing by Connecticut Siting Council