



Transcript of the Hearing of

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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 451

Homeland Towers, LLC, and New Cingular
Wireless PCS, LLC, Application for a
Certificate of Environmental Compatibility
and Public Need for the Construction,
Maintenance, and Operation of a
Telecommunications Facility Located at
Cheshire Wastewater Treatment Plant, Cheshire
Tax Assessor Map 38, Lot 180, 1325 Cheshire
Street, Cheshire, Connecticut

Continued Council Meeting held at the
Connecticut Siting Council, 10 Franklin
Square, New Britain, Connecticut,
Tuesday, October 28, 2014, beginning at
1:02 p.m.

H e l d B e f o r e:

ROBERT STEIN, Chairperson

1 **A p p e a r a n c e s:**
2 **Council Members:**
3 PHILIP T. ASHTON
4 DR. MICHAEL W. KLEMENS
5 DR. BARBARA BELL
6 ROBERT HANNON, DEEP Designee
7 COMMISSIONER MICHAEL A. CARON,
8 PURA Designee
9
10 **Council Staff:**
11 MELANIE BACHMAN, ESQ.,
12 Acting Executive Director and
13 Staff Attorney
14
15 DAVID MARTIN,
16 Siting Analyst
17
18 For the Applicant, Homeland Towers, LLC,
19 and New Cingular Wireless PCS, LLC:
20 CUDDY & FEDER LLP
21 445 Hamilton Avenue
22 White Plains, New York 10601
23 BY: DANIEL M. LAUB, ESQ.
24
25

1 **THE CHAIRPERSON:** Good
2 afternoon, ladies and gentlemen. This
3 hearing of the Siting Council is called to
4 order today, Tuesday, October 28, 2014, at
5 approximately 1:00 p.m. My name is Robin
6 Stein, and I'm Chairman of the Connecticut
7 Siting Council.
8 The hearing today is a
9 continuation of a hearing that was held on
10 October 9, 2014, at the Cheshire Town Hall
11 Council Chambers in Cheshire, Connecticut.
12 It is held pursuant to the provisions of
13 Title 16 of the Connecticut General Statutes
14 and the Uniform Administrative Procedure Act
15 upon an application from Homeland Towers,
16 LLC, and New Cingular Wireless PCS, LLC, for
17 a certificate of environmental compatibility
18 and public need for the construction,
19 maintenance, and operation of a
20 telecommunications facility located at the
21 Cheshire Waste Water Treatment Plant, 1325
22 Cheshire Street in Cheshire, Connecticut.
23 This application was received by the Council
24 on August 5, 2014.
25 A verbatim transcript will be

1 **A p p e a r a n c e s (cont):**
2 For the Town of Cheshire, Connecticut:
3 MURTHA CULLINA LLP
4 265 Church Street, 9th Floor
5 New Haven, Connecticut 06510
6 BY: BURTON B. COHEN, ESQ.
7
8 **Intervenors:**
9 JENNIFER ARCESI
10 226 Nob Hill Road
11 Cheshire, Connecticut 06410
12
13 GARY WASSMER
14 13 Worden Circle
15 Cheshire, Connecticut 06410
16
17
18
19
20
21
22
23
24
25

1 made of this hearing and deposited with the
2 Town Clerk's Office at the Cheshire Town Hall
3 for the convenience of the public.
4 We will proceed in accordance
5 with the prepared agenda, copies of which are
6 available on the table there.
7 The Council also added an item
8 to its Administrative Notice List which is
9 Roman Numeral I, D, Item 21, FCC Wireless
10 Infrastructure Report and Order.
11 Does any party or intervenor
12 object to the new administrative notice?
13 **MR. COHEN:** Burt Cohen, Murtha
14 Cullina LLP, on behalf of the Town of
15 Cheshire. We have no objection, Mr.
16 Chairman.
17 **MR. LAUB:** No objection,
18 Mr. Chairman.
19 **THE CHAIRPERSON:** Okay.
20 Hearing and seeing none, that will be made
21 part of the record.
22 So we'll now begin with the
23 appearance by the party, Town of Cheshire,
24 and we'll begin with the swearing in of the
25 witnesses.

1 Attorney Cohen, if you have
 2 your witnesses stand so they could take the
 3 oath?
 4 WALTER GANCARZ,
 5 ERIC FINE,
 6 MICHAEL MILONE,
 7 JACK CASNER,
 8 ROBERT VIGNOLA,
 9 called as witnesses, being first duly
 10 sworn by Melanie Bachman, Esq., were
 11 examined and testified on their oaths as
 12 follows:
 13 MS. BACHMAN: Thank you.
 14 THE CHAIRPERSON: Thank you.
 15 Attorney Cohen, would you
 16 please continue by verifying the exhibits you
 17 have filed?
 18 MR. COHEN: Sure. Before I
 19 do, Mr. Chairman, I just want to apologize.
 20 The Cheshire Police Chief, Mr. Dryfe, was out
 21 of town and not available, but Deputy Chief
 22 Vignola is here on behalf of the police
 23 department. He's part of the prefile
 24 testimony.
 25 I would also like to take this

1 and thank you for your courtesy in allowing
 2 me to put that on the record.
 3 Exhibits for identification
 4 for the Town. Number one, the request for
 5 party status; number two, the Town of
 6 Cheshire responses to the Council
 7 interrogatories; number three, the Town of
 8 Cheshire responses to Mr. Wassmer's -- did I
 9 say that right?
 10 MR. WASSMER: Yeah, close
 11 enough.
 12 MR. COHEN: -- Mr. Wassmer's
 13 interrogatories; the Town of Cheshire notice
 14 of agenda of Special Town Council meeting for
 15 1/23/13; the Town of Cheshire excerpts of the
 16 minutes of the 1/22/13 Special Town Council
 17 Meeting; the Town of Cheshire copy of the
 18 Section 8-24 review by the Cheshire Planning
 19 and Zoning Commission; Town of Cheshire
 20 color-coded population density map for the
 21 Town of Cheshire; and in addition, the
 22 witnesses' prefile testimony for the Town,
 23 which includes that of Mr. Michael Milone,
 24 the town manager; Mr. Walter Gancarz, the
 25 operating manager and town engineer --

1 opportunity to thank you and the Council and
 2 staff, of course, for scheduling our witness
 3 panel first. As you know, many of these
 4 witnesses have given their time today. They
 5 have other duties to attend to, and we very
 6 much appreciate that.
 7 I would also just like to
 8 state for the record that while the Town is
 9 cognizant that the Siting Council does not
 10 have statutory authority or jurisdiction over
 11 the type of transmission technology that the
 12 Town or any municipality might employ, we
 13 nevertheless are here to fully respond to and
 14 answer any questions that the Council may
 15 have.
 16 In that regard, we should also
 17 note for the record that the legislative
 18 body, chief elected officials of the Town of
 19 Cheshire, have spoken with respect to the
 20 Town's position. The Town fully respects the
 21 views of the residents who live in the area,
 22 we appreciate their input, but nevertheless
 23 the Town has approved the agreement with the
 24 Applicants through its chief elected council.
 25 So with that, I will sit down

1 parenthetically Mr. Gancarz is responsible
 2 for the wastewater treatment plant -- Chief
 3 Jack Casner of the Cheshire Fire Department;
 4 the joint prefile testimony of Chief Dryfe
 5 and Deputy Chief Robert Vignola, who is here
 6 today on behalf of the Cheshire Police
 7 Department; and of course the prefile
 8 testimony of Mr. Eric Fine, Northeastern
 9 Communications, with attachments.
 10 So, let me ask the panel
 11 questions. Have you prepared, supervised or
 12 participated in the preparation of documents
 13 identified as exhibits in this proceeding?
 14 State your name and then respond
 15 affirmatively for the record.
 16 THE WITNESS (Vignola): Robert
 17 Vignola. Yes, I have.
 18 THE WITNESS (Casner): Jack
 19 Casner. Yes, I have.
 20 THE WITNESS (Milone): Michael
 21 Milone. Yes, I have.
 22 THE WITNESS (Fine): Eric
 23 Fine. Yes, I have.
 24 THE WITNESS (Gancarz): Walter
 25 Gancarz. Yes, I have.

1 MR. COHEN: Thank you.
 2 And are there any changes,
 3 corrections or modifications to those
 4 exhibits that you would like to bring to the
 5 Council's attention today?
 6 THE WITNESS (Vignola): Robert
 7 Vignola. No.
 8 THE WITNESS (Casner): Jack
 9 Casner. No changes.
 10 THE WITNESS (Milone): Michael
 11 Milone. No changes.
 12 THE WITNESS (Fine): Eric
 13 Fine. No changes.
 14 THE WITNESS (Gancarz): Walter
 15 Gancarz. None.
 16 MR. COHEN: Accordingly, will
 17 you verify the accuracy of these exhibits and
 18 swear to them and adopt them as your sworn
 19 testimony in this proceeding today?
 20 THE WITNESS (Vignola): Robert
 21 Vignola. Yes.
 22 THE WITNESS (Casner): Jack
 23 Casner. Yes, I do.
 24 THE WITNESS (Milone): Michael
 25 Milone. Yes.

1 state and federal funds being used in the
 2 upgrade of the plant that would preclude the
 3 use of the property for the proposed tower?
 4 THE WITNESS (Gancarz): None
 5 that I'm aware of.
 6 MR. MARTIN: Thank you.
 7 And how many and what kinds of
 8 antennas would the Town of Cheshire deploy at
 9 the site?
 10 THE WITNESS (Fine): Let me
 11 just make sure that I'm completely clear in
 12 regards to that or state this completely
 13 clearly. I think immediately there is the
 14 potential for two. I think shortly
 15 thereafter, as the Town progresses with their
 16 public safety radio system upgrade, it could
 17 turn into the potential of three RF antennas
 18 with two point-to-point dishes.
 19 MR. MARTIN: When you say the
 20 RF antennas, they are referred to basically
 21 as what are commonly known as whip antennas?
 22 THE WITNESS (Fine): Correct,
 23 yes, whip antennas.
 24 MR. MARTIN: And what would be
 25 the size, how tall would they be?

1 THE WITNESS (Fine): Eric
 2 Fine. Yes.
 3 THE WITNESS (Gancarz): Walter
 4 Gancarz. Yes.
 5 MR. COHEN: I present the
 6 panel. Thank you.
 7 THE CHAIRPERSON: Thank you.
 8 Does any of the parties or
 9 intervenors object to the admission of these
 10 exhibits?
 11 MR. LAUB: No objection.
 12 THE CHAIRPERSON: Thank you.
 13 Then the exhibits are admitted.
 14 (Town of Cheshire Exhibits
 15 III-B-1 through 8E: Received in evidence -
 16 described in index.)
 17 THE CHAIRPERSON: So we'll now
 18 continue with cross-examination first by
 19 staff.
 20 Mr. Martin.
 21 MR. MARTIN: Thank you,
 22 Mr. Chairman.
 23 Were there any deed
 24 restrictions on the water treatment plant
 25 property or any conditions attached to the

1 THE WITNESS (Fine): I would
 2 say on the high end they would be, you know,
 3 18 to 20 feet.
 4 MR. MARTIN: And the microwave
 5 dishes would be 2-foot diameter dishes?
 6 THE WITNESS (Fine): Correct.
 7 MR. MARTIN: And it seems like
 8 one of the issues in this proceeding is the
 9 height of the tower, and some people have
 10 questioned the need for such a high tower,
 11 but it seems like it's the Town's wireless
 12 communications needs that are driving the
 13 height of the tower, and particularly the
 14 need for line-of-sight connectivity with
 15 other towers of the police department and the
 16 fire department. But could you explain a
 17 little bit of this point-to-point
 18 communications and why it's necessary to have
 19 this line of sight?
 20 THE WITNESS (Fine): Sure,
 21 absolutely. Just to put a little background
 22 as far as where the technology is going today
 23 for public safety communications, the systems
 24 that are in place in a lot of communities are
 25 being quickly upgraded. They typically tend

1 to utilize a single transmit location with
2 multiple receive locations, and that is the
3 case in point in Cheshire today. And this
4 site, the water treatment facility, presently
5 fills the role of a receive location for both
6 police and fire department systems.

7 The technology that has been
8 being rolled out in communities much along
9 the same size as Cheshire over the last ten
10 years, public safety communications is moving
11 to what's known as simulcast technology,
12 which means now sites that in the past have
13 only been utilized as receive locations now
14 become transmit locations and work in
15 conjunction with multiple other sites. So,
16 from the perspective of the RF technology
17 that's in place today, again, it's a receive
18 site. We thoroughly anticipate with the
19 inclusion of this tower that this would
20 become a transmit site as well.

21 So, from an RF perspective,
22 the 170 foot -- when I talk about RF, I'm
23 talking about the footprint that the radio
24 transmitters at the site cover. From an RF
25 perspective, the footprint is obviously

1 the path analysis that we did, and it's
2 becoming the mainstay standard for public
3 safety communications. The alternative to
4 point-to-point communications is for the Town
5 to continue to lease high capacity telephone
6 circuits from AT&T or Frontier Communication,
7 whoever they are this week, and have the
8 recurring cost that goes along with that, but
9 more importantly, the reliability factor.

10 And point-to-point
11 communications typically, the PTP
12 communications that we've identified here,
13 typically have a reliability factor of 100
14 percent. That's the way they're designed.
15 Leased telephone circuits are dependent on
16 wires between poles, power at pole locations
17 and central office information processing.

18 And it's kind of funny because
19 last time I was at the Siting Council was pre
20 Irene and Sandy. And I live down on the
21 coast. I did not have power at my house for
22 eight days. Many of our customers -- and we
23 represent probably about half the
24 municipalities in the state of Connecticut as
25 their service provider for their

1 increased with the greater height. When you
2 employ simulcast technology, there is a fair
3 amount of overlap with other sites. And
4 depending on how much coverage we can get off
5 an individual site, will typically dictate
6 how many total transmit sites are needed to
7 cover the towns.

8 So this site at 170, based on
9 our RF predictions, has a pretty good
10 footprint and would most likely factor in
11 that the coverage topology for the Town would
12 probably become two or three transmit
13 locations, most likely three, to cover the
14 town with the coverage that they would expect
15 to achieve.

16 The height of the tower from
17 the RF perspective is less of a factor,
18 though, than it is for the point-to-point
19 connectivity, and what now becomes critical
20 when you get into the simulcast systems is
21 the connectivity of connecting these sites
22 together. It can be done in more than one
23 way, but the most reliable methodology that's
24 being employed today is this point-to-point
25 communications that we've outlined here in

1 communications systems. Many of our
2 customers, during both those events, lost
3 connectivity out to their remote sites
4 because of the prolonged power outages that
5 were experienced during those times, and
6 these high capacity phone lines became
7 dysfunctional during that.

8 So, from a reliability
9 standpoint, the PTP communications is
10 dependent on power being on both ends,
11 obviously, but are usually identified in
12 locations that have backup generation and is
13 not reliant on any other method of
14 communication between those two locations.

15 So I could tell you, over the
16 last five or six years, we probably converted
17 eight or ten communities, like size to
18 Cheshire, to the point-to-point
19 communications, backhaul communications, as
20 part of their system upgrades, some of which
21 have just been for point-to-point
22 communications to enhance their existing
23 systems, not part of a much larger upgrade
24 but just to build in more reliability to
25 their existing systems. And it's a

1 technology that's been out there for years,
2 but it's gotten much more affordable so towns
3 are taking advantage of it today.

4 The issue with this is line of
5 sight, and that's what's driving the 170-foot
6 elevation of this to get line-of-sight
7 connectivity back to both police headquarters
8 and fire headquarters, two towers that are
9 located at both those facilities. And we've
10 done a path analysis on this that takes into
11 all the considerations of the geographical
12 terrain, plus tree growth, vegetation, plus a
13 little growth factor in there, and we've come
14 up with the conclusion that 170, with this
15 computer modeling that we utilize, is what's
16 necessary to get that connectivity back to
17 those two locations.

18 MR. MARTIN: Thank you.

19 My understanding is that the
20 microwave dishes transmitted a very -- a
21 relatively narrow beam?

22 THE WITNESS (Fine): Very
23 narrow beam.

24 MR. MARTIN: And consequently,
25 people who utilize microwave transmission

1 doing it in the analog world. We can provide
2 equipment that connects analog, converts it
3 to IP technology, send it through this
4 point-to-point or, if they're upgrading their
5 radio systems today, typically, to all
6 backhaul communications as IP, which is
7 exactly what this is designed for, so we can
8 get multiple paths through a single
9 point-to-point connection to support multiple
10 agencies.

11 MR. MARTIN: Thank you.

12 And would this tower resolve
13 Cheshire's wireless communication problems in
14 the northeastern part of the town, or would
15 additional sites be needed to provide
16 complete coverage?

17 THE WITNESS (Fine): Well,
18 based on the coverage surveys that we've
19 done, it does a very good job of plugging a
20 lot of the holes up in the northeast area.
21 And I need to be very -- I want to be very
22 clear that I don't overstate that in regards
23 to if the tower is built tomorrow and we
24 migrate their existing system onto it, it's
25 not going to solve that problem to day one,

1 like to have a very stable platform?

2 THE WITNESS (Fine): Correct.

3 MR. MARTIN: Would tower sway
4 adversely affect the microwave dishes on this
5 facility?

6 THE WITNESS (Fine): It's been
7 our experience that the way these towers have
8 been designed and constructed, they're well
9 within the tolerances to support this
10 application.

11 MR. MARTIN: Okay. There's
12 also some mention of need for public works
13 wireless communications, but we've heard
14 about fire and police department needs, but
15 would this site also service public works?

16 THE WITNESS (Fine): Let me --
17 yeah. And what the point-to-point
18 communications provides for the town is a
19 pipe that we can send information down, and
20 it's a shared pipe. In many applications
21 we're running, you know, multiple systems
22 over that single piece of connectivity
23 between the two sites, so as public works
24 upgrades to -- and all of this -- and again,
25 as I said, some of the communities are still

1 but it's the platform for the next step which
2 is going to be part of their upgrade. The
3 systems that are in place, both in police and
4 fire and -- the police and fire department,
5 are on the twilight of their life expectancy,
6 and I would expect that the town is going to
7 be making a move toward upgrading in the
8 very, very near future, so this provides that
9 building block to support that next
10 generation of radio systems.

11 MR. MARTIN: Would they be
12 upgrading from the current analog system to a
13 digital system?

14 THE WITNESS (Fine): Yes.

15 MR. MARTIN: And then in your
16 coverage plots you refer to a portable medium
17 building.

18 THE WITNESS (Fine): Correct.

19 MR. MARTIN: Would you explain
20 what that is?

21 THE WITNESS (Fine): When we
22 do coverage surveys, we treat them in
23 different formats. If we're dealing with a
24 public works department that is putting
25 trucks on the road and primarily their

1 vehicles are the platform that they're
2 communicating from, we design a system for
3 what we call in-street coverage. When we're
4 dealing with public safety where it could be
5 a firefighter or a police officer that has to
6 enter a building, we now design that system
7 to provide enough signal strength into a
8 building to allow them to communicate from
9 inside of the building. And, you know,
10 building construction is classified as light,
11 medium or heavy duty, and we typically
12 engineer these systems. And what happens is
13 when we do these coverage maps, there's an
14 attenuation factor that's put into the
15 software to tell it how much more signal
16 strength is going to be required to
17 penetrate.

18 So, in these surveys, we did
19 medium building, which applies about 16 dB of
20 attenuation into the signal strength
21 calculation to develop the graphical map to
22 show you that you should have in-building
23 coverage within these green areas in a medium
24 classified building structure.

25 MR. MARTIN: So the portable

1 question following on Mr. Martin's questions,
2 Mr. Fine. So, if you were just designing for
3 the unit that the police officer had, was
4 carrying around in his car, you would call
5 that a portable system then, and so portable
6 medium just means portable and medium
7 building, something like that? I'm just
8 trying to get this terminology straight
9 because it is a little confusing.

10 THE WITNESS (Fine): Let me
11 back up a little bit. So if a patrol officer
12 is driving around his police car, there's a
13 radio that's hard mounted in his vehicle. It
14 has an antenna on it, and that radio
15 transmits at -- I'm going to pull a number
16 out -- average number today 40 watts of
17 power. He's out -- that vehicle is always
18 out in the street short of driving into a
19 parking garage, and I don't know that there
20 are any in Cheshire. So the signal strength
21 that's required to get from a tower location
22 to that vehicle is less than it would be if
23 he were to take his portable radio, which is
24 something that they carry on their belt, and
25 then walks into a building.

1 medium building could be like a fire truck or
2 a town public works guy in the snowplow truck
3 or fire people in the house?

4 THE WITNESS (Fine): Well, the
5 medium building means that if a police
6 officer exits his vehicle where he's using a
7 radio that's hard mounted in his vehicle and
8 walks into a building such as this with his
9 portable radio, that the signal is going to
10 have the ability to transmit into that
11 building and reach him while he's inside. So
12 that's what that medium building is. If we
13 were just designing for what we call in the
14 street coverage, there would be 16 dB less
15 attenuation in the calculator that develops
16 this map.

17 MR. MARTIN: Okay. Thank you.
18 Those are my questions, Mr. Chairman.

19 THE CHAIRPERSON: Thank you.
20 We'll now proceed with
21 questions from the Council. We'll start with
22 Dr. Bell.

23 DR. BELL: Thank you,
24 Mr. Chair.

25 Just to ask you one more

1 Now you have this building
2 which creates kind of a wall between the
3 tower and that portable radio. So what has
4 to happen now to calculate what we need to
5 cover to get that signal into the building,
6 we build in an attenuation factor in this
7 modeling software that we use to model. And
8 we can classify it as a light building, a
9 medium building or a heavy building, meaning
10 the construction factor of the building.
11 Residents are usually light because it's wood
12 construction. A medium building can be steel
13 and brick. Heavy would be like a hospital,
14 very heavy concrete, or a high school.

15 So when we do these coverage
16 maps and the fire chief or police chief tells
17 us I want to make sure that I have coverage
18 in buildings in this area, we need to tell
19 the software we need more signal, 16 dB of
20 more signal, to penetrate medium buildings in
21 this geographical location.

22 DR. BELL: Okay.

23 THE WITNESS (Fine): So that's
24 how we tell the software we need it to
25 operate to give us a model, and 99 and

1 nine-tenths percent of the time it is an
 2 accurate model.
 3 DR. BELL: Okay. One
 4 housekeeping question. We received a set of
 5 maps and graphs with lines on them --
 6 THE WITNESS (Fine): Uh-huh.
 7 DR. BELL: -- that seem pretty
 8 much the same as what we got in the
 9 application. Can you tell us what is the
 10 difference between these sets of materials
 11 that are separate and the ones that we got in
 12 the application?
 13 THE WITNESS (Fine): There was
 14 a question. And I think from a housekeeping
 15 perspective, I did not see the whole
 16 application, I saw some bits of it, and it
 17 looked like there was some material -- I was
 18 of the assumption yesterday that there was
 19 some material that was missing that I had
 20 forwarded on months ago. In fact, when I
 21 looked at the application today, it's the
 22 same material.
 23 DR. BELL: Okay. You say that
 24 you have designed the system to deal with
 25 tree heights of 75 feet?

1 that from an RF point-to-point analysis, we
 2 use -- on an average we use 75 to 80 feet for
 3 tree height because we're dealing with, you
 4 know, we can be dealing with a range that
 5 could be, you know, 3 to 4 or 5 miles that
 6 we're trying to calculate over, and our
 7 software takes into consideration
 8 geographical topography. It pulls all that
 9 information in, and then we have to assign
 10 the trees. So it's been a standard that
 11 we've been using, and when I say "we" in our
 12 industry in this part of the country 75 to 80
 13 feet for trees because we may have an area
 14 where we have tree heights that are that
 15 high.
 16 And again, I can't, you know,
 17 physically go out and measure every tree from
 18 the treatment plant all the way to police
 19 headquarters, so we have to take what we know
 20 as an average standard that has been working
 21 very well for us, and we found that sometimes
 22 is actually on the light side.
 23 So that's how we use it. It's
 24 a number that's assigned based on experience
 25 to make sure that we're getting above tree

1 THE WITNESS (Fine): Correct.
 2 DR. BELL: However, the
 3 visibility analysis, which generally
 4 calculates the height of the trees, says 65
 5 feet in this instance, that's a standard kind
 6 of thing. So does that make a whole lot of
 7 difference? I mean, that's a fairly big --
 8 plus, you said there was also an added number
 9 of feet, which you didn't indicate what the
 10 added number of feet was for the growth of
 11 the trees, whereas the visibility analysis
 12 doesn't usually add anything for the growth
 13 of the trees. So we're looking at possibly
 14 between, the difference between 65 and 80
 15 feet for the clutter from trees. I know that
 16 you have to put that into your formula
 17 somehow.
 18 THE WITNESS (Fine): Right.
 19 DR. BELL: And my question is:
 20 Is that a significant difference or not very
 21 much of a difference?
 22 THE WITNESS (Fine): Well, if
 23 I could -- and I'm going to talk about what I
 24 know. And I don't know about the visual
 25 analysis side of this, but I can tell you

1 height and also building in some growth
 2 factor in there because what could be
 3 acceptable today, five years from now with
 4 white pine growth could turn out to be an
 5 obstruction. So it's a number that is kind
 6 of an engineering standard that we have
 7 utilized in the RF side of this. I can't
 8 speak to the visual side.
 9 DR. BELL: Okay. I
 10 understand.
 11 I guess my question is more
 12 like this: Let's say -- I understand
 13 arbitrarily you work with 75 feet, but say
 14 you worked with 60 feet, just to pick another
 15 number, would that have a significant effect
 16 on how much a 170-foot tower would be pushed
 17 down?
 18 THE WITNESS (Fine): I can
 19 tell you this: That I have the ability to
 20 vary the height of the tower in the software,
 21 and whether I take tree height off or just
 22 lower the tower by 10 feet, when I lower the
 23 tower 10 feet, I have an impingement. So I'm
 24 assuming that I would take that and assume
 25 that if I lower the trees 10 feet and lower

1 the tower 10 feet, I would be right where I
 2 am today.
 3 DR. BELL: Okay. And I just
 4 have a question about the backhaul. So
 5 you're doing microwave backhaul from tower to
 6 tower?
 7 THE WITNESS (Fine): Correct.
 8 DR. BELL: And you don't have
 9 a map of that because the map would just
 10 show all the towers that you were using in
 11 your system with backhaul running around
 12 between them, and that would be controlled --
 13 the backhaul would be organized from whatever
 14 you designated as the headquarter position,
 15 something like that, for the radios.
 16 Correct?
 17 THE WITNESS (Fine): Correct.
 18 DR. BELL: Okay. I just
 19 wanted to make sure about that.
 20 I do have one question -- we
 21 can ask questions of the whole panel?
 22 MS. BACHMAN: Yes.
 23 DR. BELL: The answer to the
 24 suggestion of the tower -- no. That's going
 25 to be a question for the RF. I'm sorry.

1 Did the Town do any searching
 2 before this and look at other locations to
 3 build their own tower?
 4 THE WITNESS (Milone): No, we
 5 haven't.
 6 DR. KLEMENS: And I understand
 7 based on Mr. Fine's testimony that it's a
 8 point-to-point connectivity sort of begs the
 9 question with point-to-point connectivity why
 10 you're putting the tower -- just talk about
 11 your tower. I understand AT&T's needs are
 12 different, why they're locating there -- but
 13 you're basically putting your tower in one of
 14 the lowest topographic elevations in that
 15 area, it's about 116, 120 feet, and having
 16 then to pull your tower up to 170 feet.
 17 That's correct, right?
 18 THE WITNESS (Milone): That is
 19 correct, yes.
 20 DR. KLEMENS: So that's driven
 21 really by -- the height of the tower is
 22 driven by the quite low topographic elevation
 23 of the location where AT&T is putting the
 24 tower?
 25 THE WITNESS (Milone): Yes.

1 Thank you. Those are my
 2 questions. Thank you, Mr. Chair.
 3 THE CHAIRPERSON: Mr. Ashton?
 4 MR. ASHTON: No thank you. No
 5 questions.
 6 THE CHAIRPERSON: Dr. Klemens?
 7 DR. KLEMENS: Yes, I have some
 8 questions. Thank you, Mr. Chairman.
 9 Now, it was stated that the
 10 Town could build this tower without ever
 11 coming to the Siting Council if, in fact,
 12 they chose to build it themselves; is that
 13 correct?
 14 THE WITNESS (Milone): Yes,
 15 that is correct.
 16 DR. KLEMENS: But the reality
 17 is you're here before the Council because
 18 you've chosen to piggyback your application
 19 on the back of AT&T's application?
 20 THE WITNESS (Milone): Yes.
 21 That's correct.
 22 DR. KLEMENS: And I'm going to
 23 try to pull these two apart a bit because, as
 24 Mr. Martin said, the request of the Town is
 25 driving a height of 170 feet.

1 DR. KLEMENS: If you were to
 2 drive up Cheshire Street, the topography gets
 3 higher. There are many areas along Cheshire
 4 Street, Cheshire Street Cemetery. You never
 5 examined those as to building your own tower?
 6 THE WITNESS (Milone): I've
 7 been the town manager for 14 years, and
 8 during that time the Town Council has never
 9 expressed the desire or a priority to get
 10 into the tower construction business to
 11 evaluate the town for locations of a tower.
 12 We have basically been awaiting the
 13 opportunity to collocate on a tower that
 14 would be constructed somewhere in a part of
 15 town that would enhance our communications
 16 connections, and this opportunity presented
 17 itself.
 18 DR. KLEMENS: So you've not
 19 looked anywhere else to put this tower?
 20 THE WITNESS (Milone): No, we
 21 have not. No.
 22 DR. KLEMENS: Let me ask
 23 Mr. Fine a question. If you were to put the
 24 tower further up, just hypothetically, would
 25 it have to be such a big tower? If you were

1 at let's say 200 foot elevation, what would
 2 the difference be?
 3 THE WITNESS (Fine): I think
 4 you could easily take whatever the ground
 5 elevation is at this location and deduct
 6 whatever other location there may be out
 7 there, the difference in it, and that would
 8 be what we would most likely need for a tower
 9 height. Let me just throw my two cents in on
 10 this in regards to this. Many of our clients
 11 are collocated on cell towers because the
 12 cell towers have been a necessity, number
 13 one, for the cell industry; and two, it
 14 alleviates the burden or the cost for the
 15 municipalities to construct the towers
 16 themselves.
 17 From our perspective, based on
 18 what we've seen with the coverage
 19 predictions, this site, it's an existing site
 20 now for the town system. Being that it's
 21 town-owned property, they have the ability to
 22 provide back-up power already out at the
 23 site. This is a site that is just a very
 24 beneficial site for the Town from the
 25 perspective of their RF needs. We probably

1 neighborhood. So, I mean, it's a balancing
 2 act for this Council, and I have trouble with
 3 this extra 30 feet because I think it does
 4 make a very different appearance for the
 5 tower.
 6 I don't have any other
 7 questions. I think the Town has confirmed
 8 that they didn't look anywhere else.
 9 THE CHAIRPERSON: Okay. Thank
 10 you.
 11 Director Caron?
 12 MR. CARON: No, Mr. Chairman.
 13 THE CHAIRPERSON: Mr. Hannon?
 14 MR. HANNON: I have no
 15 questions.
 16 THE CHAIRPERSON: I'm not
 17 sure. You don't have -- you're not the
 18 visibility experts, but just a question. If
 19 you had found another site with a higher
 20 elevation and therefore -- again, this is
 21 theoretical because you've already told us
 22 that you didn't look at other sites. But if
 23 it was a site that was at a higher elevation
 24 and, therefore, the tower could be shorter,
 25 wouldn't there still be a possibility or a

1 could -- we may be able to find another
 2 location that, from an RF perspective, would
 3 require less height, but I don't know that
 4 it's going to be a location that's going to
 5 be advantageous from the Town's perspective
 6 whether or not -- you know, it may not be
 7 town-owned property. They may end up in a
 8 situation where they're now having to pay
 9 rent to somebody who's looking to rent them
 10 space for their equipment, which happens in
 11 other communities.
 12 So, from a perspective of a
 13 viable site, this is a very viable site for
 14 the Town. It's an existing site now. And we
 15 see the benefit to the town both financially,
 16 meaning they don't have the expense of having
 17 to build the tower, and you know, it has the
 18 ability to provide enough height to get more
 19 connectivity.
 20 DR. KLEMENS: I understand the
 21 advantage to the Town. Let's talk a bit
 22 about the neighborhood. You have houses
 23 across the river with about a 200-foot
 24 elevation, and so the last maybe 60 feet of
 25 that tower more or less is visible to that

1 probability that the combination might be
 2 equally visible perhaps not to the neighbors
 3 that are concerned in this case but to other
 4 neighbors?
 5 THE WITNESS (Fine): I'd have
 6 to defer to the visual experts on that one.
 7 THE CHAIRPERSON: Attorney
 8 Laub or --
 9 MR. COHEN: I'm sorry, Mr.
 10 Chairman. I'm not sure we answered your
 11 question. Did we?
 12 THE CHAIRPERSON: Well, the
 13 one person who spoke said that he could not
 14 answer the question, so I don't know --
 15 MR. COHEN: Could I ask you
 16 respectfully to repeat that question because
 17 I'm not sure --
 18 THE CHAIRPERSON: Maybe
 19 there's no one on -- we don't always require
 20 that there's an answer if no one can answer.
 21 MR. COHEN: I'd love to answer
 22 it, Mr. Chairman, but I don't think I'm
 23 allowed to testify.
 24 THE WITNESS (Milone): I can
 25 possibly piggyback on what Eric said.

1 THE CHAIRPERSON: Do you need
 2 me to repeat it or --
 3 THE WITNESS (Milone): I think
 4 I understand the rest of this. I think the
 5 advantage to us as a community to have the
 6 tower on our property is that we have the
 7 advantage of being at the top of the tower.
 8 I don't know what would happen if we were to
 9 try to collocate on another tower on private
 10 property whether or not we would still have
 11 the benefit of being at the top of the tower.
 12 So, while the tower height might be lower for
 13 purposes of other connectivity, I don't know
 14 whether it would satisfy the needs of the
 15 Town if we were 30 or 40 or 50 feet lower on
 16 a lower tower height to be able to have the
 17 point-to-point communication that I
 18 understand is so critical to the next
 19 generation of technology that we will be
 20 moving to over the next few years.
 21 THE CHAIRPERSON: Let me just,
 22 then, ask a follow-up question. Does the
 23 Town own other lands that are perhaps at
 24 higher elevations that would not be
 25 encumbered by the park or something or a

1 more question.
 2 If you were building just the
 3 tower for this point-to-point, would it
 4 require the same mass and infrastructure as a
 5 cell tower does?
 6 THE WITNESS (Milone): I'd
 7 have to defer to the expert on that.
 8 THE WITNESS (Fine): I am not
 9 a structural engineer, but I have been in
 10 this business for quite some time, and I can
 11 tell you, typically, if we're designing a
 12 tower for municipal use as opposed to a
 13 municipal, slash, carrier, you know, five
 14 carrier, four carrier pole, the towers
 15 themselves are smaller in mass normally.
 16 When you build in the ability to support
 17 point-to-point communications, it does add
 18 some more -- it adds to the structural
 19 component of it slightly but not a great huge
 20 number.
 21 So the bottom line is I would
 22 say that the tower in size or mass would be
 23 smaller if it were municipal only.
 24 Typically, where it's most notable is at the
 25 lower sections, not necessarily at the top.

1 school?
 2 THE WITNESS (Milone): We own
 3 an awful lot of property in Town, and I
 4 couldn't tell you whether or not they would
 5 be of a height necessary, nor would I know
 6 whether or not the geography would allow for
 7 construction of a tower. So I really
 8 couldn't answer that. But we do own a lot of
 9 acreage in town. As far as in that part of
 10 town, though, there isn't a significant
 11 amount of town-owned property; in other parts
 12 of town there is. So I don't know how
 13 compatible it would be with filling the needs
 14 that we have in terms of the gaps that we
 15 have in the northwest quadrant -- I'm sorry,
 16 the northeast quadrant.
 17 THE CHAIRPERSON: Okay. Thank
 18 you.
 19 Cross-examination by Attorney
 20 Laub?
 21 DR. KLEMENS: Does the Town
 22 own the Cheshire Street Cemetery?
 23 THE WITNESS (Milone): No, we
 24 do not.
 25 DR. KLEMENS: Thank you. One

1 DR. KLEMENS: No further
 2 questions, Mr. Chairman. Thank you.
 3 THE CHAIRPERSON: Thank you.
 4 Attorney Laub?
 5 MR. LAUB: Yes, just one quick
 6 follow-up question for Mr. Fine.
 7 Just following up on the
 8 answer you just provided, have you, in your
 9 experience across the state, seen or been
 10 involved with any proposals where carriers
 11 have come in to replace those sort of
 12 municipal-only towers with new towers which
 13 will then be sort of an upgraded facility
 14 that can handle both?
 15 THE WITNESS (Fine): Numerous
 16 times.
 17 MR. LAUB: Thank you.
 18 That's my only question,
 19 Mr. Chairman.
 20 THE CHAIRPERSON: We'll now go
 21 to the Intervenor first, Jennifer Arcesi.
 22 MS. ARCESI: Thank you.
 23 My question for you, I do have
 24 a couple, and I'm going to try not to repeat
 25 what's already been asked. But AT&T and the

1 Town of Cheshire, being two separate
 2 entities, you were approached to do this
 3 study for the Town of Cheshire; is that
 4 correct?
 5 THE WITNESS (Fine): Correct.
 6 MS. ARCESI: So were you asked
 7 specifically to provide evidence that the
 8 tower should be located at this site?
 9 THE WITNESS (Fine): I believe
 10 the way this all was presented to us
 11 originally was that there was a proposal made
 12 to the Town by AT&T to construct a tower at
 13 this location and, from our perspective, was
 14 there a benefit to the Town should this
 15 proposal move forward. And as we have stated
 16 to many of our clients, absolutely, for all
 17 of the reasons that I've already stated. And
 18 we've been through this multiple times before
 19 in other communities.
 20 MS. ARCESI: So if you can get
 21 it, go for it?
 22 THE WITNESS (Fine):
 23 Absolutely.
 24 MS. ARCESI: Right, I can
 25 understand that.

1 of my knowledge.
 2 MS. ARCESI: I can reword the
 3 question. Would that be better?
 4 THE CHAIRPERSON: Why don't
 5 you restate your question.
 6 MS. ARCESI: Okay.
 7 MR. COHEN: Thank you. I
 8 don't mean to be --
 9 MS. ARCESI: No problem. I'll
 10 do the best I can.
 11 As a contractor hired on
 12 behalf of the Town of Cheshire to review
 13 their emergency communication needs and how
 14 to best serve them, would this be the site
 15 you would recommend?
 16 THE WITNESS (Fine): Let me
 17 make a statement to that. We are working
 18 with what we have been presented with regard
 19 to this site. My company has not been
 20 engaged to do a complete town survey and come
 21 up with a plan for revamping their whole
 22 communication system today. We were asked to
 23 provide an opinion based on the information
 24 that we were given, which there was a tower
 25 being presented to the Town at this location,

1 THE WITNESS (Fine): From our
 2 perspective, and I don't like to say it in
 3 these terms too often, but it's a win/win for
 4 the Town because they get the advantage of a
 5 higher tower than they have there now. It
 6 supports their next generation radio system
 7 without the expense that they would have to
 8 outlay for the tower down the road.
 9 MS. ARCESI: If you were to
 10 review your study, you're looking at the best
 11 way to achieve those emergency communication
 12 needs taking into account the police and fire
 13 chiefs' request for better communication in
 14 the northeast corner. Specifically, the 691
 15 interchange zone, we know this is a low
 16 elevation, and we do have an industrial zone
 17 just to the north. Would this be your top
 18 recommendation, this site?
 19 THE WITNESS (Fine): I can't
 20 answer that.
 21 MR. COHEN: Mr. Chairman, with
 22 all due respect, and I understand we're
 23 dealing with laypeople here, but there's an
 24 element of testimony that's given with the
 25 question that's not in the record to the best

1 and did we see a benefit to it. Based on
 2 what we knew of the system that's in place
 3 today, based on looking at connectivity, the
 4 point-to-point profile and also running
 5 coverage survey maps, we feel that this tower
 6 has a benefit to them.
 7 Is there a better location? I
 8 can't answer that because we have not been
 9 asked to look at that.
 10 MS. ARCESI: The original
 11 report that we had in the proposal said that
 12 the communication equipment that's there now
 13 is, I believe, at 30 feet, and 105 feet could
 14 greatly improve that system. What could be
 15 done with that existing system? It's
 16 unobtrusive. No one even knows it's there
 17 now. What can be done?
 18 THE WITNESS (Fine): I'm going
 19 to go back to what I had stated earlier. The
 20 equipment that's there now is presently --
 21 that site serves as a receive-only site. And
 22 when we looked at this thing, I want to say
 23 it was close to a year ago, we looked at --
 24 and I don't want to misstate this, but I know
 25 that in the early stages there was the

1 potential of a 105-foot tower there. And
2 when we looked at that, we looked at what the
3 benefit would be in a receive scenario and a
4 transmit scenario, and obviously, if they're
5 operating at 30 feet now, receive only, and
6 we can move it up to 105, there's going to be
7 a benefit to that. What's lacking at 105 is
8 the ability to provide this point-to-point
9 connectivity back.

10 So it was our recommendation
11 to the Town that, as many other communities
12 are moving forward, they should be looking
13 toward trying to get enough height so that
14 they can get this point-to-point connectivity
15 for the backhaul purposes to remove their
16 reliance on leased phone lines. So I think
17 that's what drove this -- at some point drove
18 this from the 105, which may have been a very
19 early elevation that was discussed, to the
20 170.

21 And again, just going back to
22 what I stated earlier, as you elevate an
23 antenna from an RF perspective, it increases
24 the footprint, whether it be just receive
25 only or receive and transmit.

1 right in the middle of it. Bruce Memorial
2 Golf Course in Greenwich, 100-foot tower
3 right in the middle of it. So, a lot of it
4 is where is there a municipal property. Some
5 of it's in the middle of parks.

6 MS. ARCESI: Is this the time
7 I would ask questions of the Town? Is this
8 all representative of the Town?
9 Yes? Okay.

10 THE CHAIRPERSON: That's your
11 chance.

12 MS. ARCESI: Have the funds
13 for the Town's emergency communication
14 upgrade been approved, and how soon will this
15 technology be used by the Cheshire Police and
16 Fire Departments?

17 THE WITNESS (Milone): The
18 funds have not yet been approved.

19 THE WITNESS (Casner): If I
20 can add to his response? That would be part
21 of a capital expenditure, which is a
22 five-year plan, so it would probably -- we
23 would like to see it in the next three, if
24 this goes forward.

25 MS. ARCESI: So there's a

1 MS. ARCESI: Those other
2 communities that you mentioned, how many of
3 those towns have these towers, towers of this
4 size, sited in residential zones at
5 recreational parks?

6 MR. COHEN: Again, I'm going
7 to object to that characterization. It's a
8 wastewater treatment plant that the site is
9 being, you know, that the tower is being --

10 THE CHAIRPERSON: Well, I'll
11 just ask -- and if you don't know, you can
12 also say you don't know.

13 THE WITNESS (Fine): Without
14 going back and looking, I mean, many of these
15 communities have multiple sites. Some are in
16 residential areas. I couldn't give you a
17 specific answer, I really can't, but I will
18 tell you that there are some that are in
19 residential areas, some in commercial
20 business parks. There are some that are at
21 municipal buildings, fire houses, police
22 stations, town halls. It really kind of runs
23 the gamut. We have some that are in the
24 middle of golf courses. City of Stamford
25 Sterling Farms Golf Course, 190-foot tower

1 plan --

2 THE WITNESS (Casner): But
3 there's the ability to put it in the fifth
4 year would be the longest. We would like to
5 see it in the next three, if it goes forward.

6 MS. ARCESI: Okay.

7 THE WITNESS (Milone): What we
8 have to do is the first stage would be to get
9 some capital planning money from the Council
10 so that we could come up with an accurate
11 estimate of what the costs would be of the
12 project. But the Chief makes a good point,
13 just because it's not planned now, we have a
14 five-year plan, and we would be developing it
15 in the spring of next year, and this would be
16 included somewhere along those five years.

17 MS. ARCESI: Okay. I think my
18 last question for the Town, I hope. It was
19 stated that the Town is for this tower. Did
20 the Town allow for a public hearing to
21 determine public opinion on the tower
22 location and base their support on citizens's
23 recommendations?

24 THE WITNESS (Milone): The
25 Town Council approved the lease agreement

1 with Homeland in January of 2013, and they
 2 conducted the business of approving that
 3 lease agreement, as they do with any other
 4 lease agreement. It was properly cited under
 5 FOI, and the procedures for multiyear
 6 agreements were followed in accordance with
 7 the charter in the ordinance. That's how it
 8 was handled, no differently than any other
 9 lease agreement.

10 MS. ARCESI: Okay. Did the
 11 Town of Cheshire consider the opinions of
 12 residents who previously successfully opposed
 13 a tower in this same residential zone? That
 14 tower is now at the police department.

15 THE WITNESS (Milone): Because
 16 of the fact that the discussion was centered
 17 exclusively on the lease agreement, the need
 18 for enhanced communications, basically that
 19 was the parameters of the discussion.
 20 Without going back through the minutes, I
 21 don't know that anything else was part of the
 22 discussion at the time. I think the one
 23 thing that the Council was sensitive to was
 24 that they were simply there to make a
 25 determination on a lease agreement and a

1 THE WITNESS (Fine): Correct.
 2 MR. WASSMER: And is there a
 3 limit as to how far it can send or receive
 4 information, 10 miles, 5 miles, 100 miles?
 5 THE WITNESS (Fine): A hundred
 6 and twenty-five miles.
 7 MR. WASSMER: Twenty-five
 8 miles?
 9 THE WITNESS (Fine): A hundred
 10 and twenty-five.
 11 MR. WASSMER: Oh, 125. Okay.
 12 So can -- I don't know how to
 13 ask this question easily, but there's towers
 14 on Meriden Mountain. Can the signal go from
 15 the police or fire department to the towers
 16 on Meriden Mountain and to the park with any
 17 loss of signal, possible delays, other than
 18 microseconds, that then the signal could then
 19 be relayed out because I'm assuming the
 20 signal goes from there to there and then
 21 relayed out to the police and/or fire
 22 department?
 23 THE WITNESS (Fine): What
 24 you're talking about is what's known as a
 25 back-to-back hop, which means it goes from

1 public safety issue and understood clearly
 2 that the next logical step in this process,
 3 if it continued, would be the Siting Council,
 4 at which point the issue of the neighborhood
 5 and citizens' reaction to it would be
 6 properly vetted.

7 MS. ARCESI: Thank you. I'm
 8 done.

9 THE CHAIRPERSON: Thank you
 10 very much.
 11 Mr. Wassmer?
 12 MR. WASSMER: I guess I'll
 13 start with Eric. Explain to me a little bit
 14 more about the point-to-point technology and
 15 whether or not, if and when this tower gets
 16 erected, there will be a signal from the
 17 police and/or fire department that goes to
 18 this tower, and then it would be sent back,
 19 it would be a straight back and forth
 20 communication more easily?
 21 THE WITNESS (Fine): It's
 22 continuous.
 23 MR. WASSMER: So that the
 24 microwave can receive and send information.
 25 Correct?

1 one location to another and then to the
 2 third, an intermediate point. It's done very
 3 commonly.
 4 MR. WASSMER: Okay.
 5 THE WITNESS (Fine): Let me
 6 just tell you what I would know of that. All
 7 the towers that are up on Meriden Mountain
 8 are commercial towers and that for any
 9 antennas to be installed on that comes along
 10 a rent check with it, so the town would have
 11 to be --
 12 MR. WASSMER: It's about
 13 siting, not necessarily about finances?
 14 THE WITNESS (Fine): The
 15 technology is available to do that.
 16 MR. WASSMER: That's what I
 17 want to know because I stood at Cheshire
 18 Park, and I could see -- and I've been told
 19 this my whole life that I'm vertically
 20 challenged -- and I could see the towers.
 21 MR. WASSMER: So if I can see
 22 them, that's what I'm asking is that
 23 technology could be used that way?
 24 THE WITNESS (Fine): Correct.
 25 MR. WASSMER: Because I want

1 the police and fire to have the best possible
2 technology they can have. I don't want any
3 delays in any, you know, responses. So
4 that's all I wanted to know is that could be
5 done.

6 THE WITNESS (Fine):
7 (Nodding.)

8 MR. WASSMER: Thank you.
9 And this is a question more
10 anecdotally. Do you know of other
11 municipalities where you have point-to-point
12 technology and there are still dead zones?

13 And I guess I could specifically ask this
14 question because I work in Milford. I'm not
15 here on behalf of the City of Milford in any
16 way. I have a relative that's on the fire
17 department, and we talked about this. And
18 you said you work for Milford, so you're
19 familiar with the shoreline?

20 THE WITNESS (Fine): I put
21 that system in.

22 MR. WASSMER: Okay. So there
23 are dead zones in Milford. We won't
24 experience anything like that in this area,
25 will we, along the shore in Milford?

1 don't like to see 95/95; we like to see
2 100/100, but it's also a case of finances.
3 And I would -- you know, the point-to-point
4 is one aspect of this. This is how do we
5 connect sites. The RF footprint, which is
6 what is that coverage prediction, is dictated
7 by the total number of sites that's available
8 within the town and how everything is laid
9 out based on the topography.

10 MR. WASSMER: I just want to
11 be clear. I'm not trying to, in any way, say
12 anything bad about the City of Milford. We
13 have one of the best fire departments in the
14 state, if not the country, so they have
15 excellent coverage. I just want to make
16 sure, if this goes through, that going
17 through this effort that the police and fire
18 are going to have the coverage that they
19 want. And if that's what it looks like in
20 your thing, it's all green. It's good, I'm
21 guessing.

22 THE WITNESS (Fine): And
23 again, that goes back to a function of when
24 the town makes the next step, which is moving
25 forward to upgrading their systems, they're

1 THE WITNESS (Fine): Let me
2 just explain, just to comment on that, in
3 defense of the system that was installed in
4 Milford. We went through a very extensive
5 acceptance test plan where the town was
6 gridded up into squares, and there were no
7 dead zones that were located, but it didn't
8 meet the testing criteria that the town had
9 dictated. So I think you have to be careful
10 with that statement.

11 I can tell you that the
12 system -- that typically, in municipal public
13 safety radio systems, the town dictates to
14 whoever the vendor is what their coverage
15 requirements are. The industry standard in
16 public safety these days is what's known as
17 95/95, 95 percent coverage 95 percent of the
18 time. And that can be in-street or
19 in-building, medium building, high, you know,
20 heavy building, whatever, but when that
21 determination is made before the system is
22 designed and installed, that's how it's
23 built. And then there's usually testing
24 criteria after it's built to verify that.

25 So, in a perfect world, we

1 going to set out criteria that they want,
2 whoever, whether it be Motorola who we work
3 with or the other guys, they are going to
4 have to design the system, cost it out,
5 install it, and then verify whatever that
6 they contracted with the Town to provide is
7 provided, and that's done through acceptance
8 testing.

9 MR. WASSMER: Okay. Now, as
10 the line-of-sight terminology is used, I
11 looked at the stuff you provided, and there's
12 a couple, obviously, hills with trees?

13 THE WITNESS (Fine): Uh-huh.

14 MR. WASSMER: Is that a
15 concern over time that trees may grow up to
16 above 75 feet, and will the Town need like an
17 easement across those properties to come and
18 trim trees?

19 THE WITNESS (Fine): Again,
20 you know, we used the modeling software based
21 on the criteria that I talked about earlier.
22 Obviously, tree growth is a concern. And,
23 you know, there's another factor that we
24 haven't discussed, but what we do do as part
25 of this implementation is we actually take

1 this path analysis, and if we see areas that
2 we might have a question on physically, go
3 out and look at all those sites just to
4 verify whether or not, in fact, is there an
5 issue or isn't there, and we address it then.
6 Again, we're working with modeling software
7 predictions. But tree growth is obviously a
8 concern, and that's why we try to put in a
9 margin, you know, some additional margin in
10 the calculations to make sure that we're
11 accounting for that.

12 MR. WASSMER: Okay. And then
13 I would ask Mr. Milone a question.

14 You talked to Ms. Arcesi about
15 if we were to have a different location that
16 we couldn't guarantee that we would be on
17 top, the Town of Cheshire. Does planning and
18 zoning or the City Town Council have that
19 power if someone comes in, say Homeland comes
20 in and says we want to put a tower somewhere
21 else in the northeast corner in a more
22 desirable location based on topography, does
23 the Town Council or planning and zoning
24 commission have that authority to say, as a
25 condition of approval, we'll approve this,

1 MR. MARTIN: If you were
2 designing the Cheshire system from scratch,
3 would this be a logical location to provide
4 coverage in the northeastern part of this
5 town?

6 THE WITNESS (Fine): Being
7 that it's municipal property, yes.

8 MR. MARTIN: Understanding
9 that there may be other more preferable
10 locations, but does this location make sense
11 for the Town's needs?

12 THE WITNESS (Fine): From our
13 perspective and from our experience, this
14 makes sense, yes.

15 MR. MARTIN: Thank you.

16 MR. COHEN: Mr. Chairman, may
17 I ask one question on redirect and maybe two?
18 There's one subject I think that was
19 important to follow up to Ms. Arcesi's
20 questions.

21 THE CHAIRPERSON: Go ahead.

22 MR. COHEN: I'll try to keep
23 it brief.

24 My understanding is that
25 Motorola -- and this is to anybody on the

1 but we want to be on top?

2 THE WITNESS (Milone): No. As
3 far as I know, the call is made by the Siting
4 Council, and we would have no authority to
5 basically demand where we would want to be
6 collocated.

7 MR. WASSMER: Okay. I
8 apologize if I ask questions that -- I know
9 I'm a layperson. I'm not an attorney, so I
10 don't understand how everything works here.
11 This is my first time, so I apologize.

12 MR. COHEN: We didn't object.

13 MR. WASSMER: You wanted to.

14 THE WITNESS (Milone): I
15 overruled him.

16 MR. WASSMER: All right. So I
17 guess that really sums up my questions for
18 the Town.

19 THE CHAIRPERSON: Thank you.

20 MR. MARTIN: Mr. Chairman?

21 THE CHAIRPERSON: Mr. Martin.

22 MR. MARTIN: Mr. Fine, you
23 seem to be the star appearance here.

24 THE WITNESS (Fine): It's
25 always the way.

1 panel who wants to answer this. My
2 understanding is that Motorola is kind of the
3 company that we work with with respect to our
4 portable hand-held communication systems?

5 THE WITNESS (Vignola): That's
6 correct.

7 MR. COHEN: And isn't it true
8 that there is some life expectancy issues
9 concerning the current system that we now
10 employ in the Town of Cheshire?

11 THE WITNESS (Vignola): We
12 requested from Motorola a quick study of our
13 facilities. They said that we have about a
14 four-year life span left officially before it
15 becomes unsupported or on its last legs.

16 MR. COHEN: So, in other
17 words, the Town needs to act sooner rather
18 than later?

19 THE WITNESS (Vignola): That's
20 correct.

21 MR. COHEN: Thank you.
22 No further questions. Thank
23 you, your Honor.

24 THE CHAIRPERSON: Attorney
25 Cohen, I think, unless you want your expert

1 witnesses to hang around, that they
 2 probably -- we do have, you know, the
 3 Intervenor to cross-examine, but it's up to
 4 you who you need. I'm sure they have other
 5 things they need to do also.
 6 MR. COHEN: Okay. I think
 7 some of us will still stay around,
 8 Mr. Chairperson.
 9 (Witnesses excused.)
 10 MR. COHEN: Shall we ask
 11 Ms. Arcesi if she is an attorney in training?
 12 THE CHAIRPERSON: After the
 13 meeting. Other than she was very impressive,
 14 I don't think she's required to answer that
 15 question.
 16 All right. I would like to --
 17 some of us want to get home before midnight,
 18 so I'd like to continue this.
 19 We're now going to go with
 20 appearance by the Intervenor, Ms. Arcesi. So
 21 we're going to, let's see, start with
 22 swearing in. So if you'd please rise?
 23
 24
 25

1 second.
 2 So you've offered exhibits
 3 listed as B, 1, which is this exhibit for
 4 identification purposes?
 5 THE WITNESS (Arcesi): My
 6 apologies. I called today and asked Carrie
 7 Ann how to handle this because I wasn't sure
 8 what the process was.
 9 THE CHAIRPERSON: We'll work
 10 it out. And also the other exhibit, of
 11 course, is your request for intervenor
 12 status, which you applied for on September
 13 25th.
 14 So is there any objection to
 15 marking these exhibits for identification
 16 purposes only at this time?
 17 MR. LAUB: No objection, Mr.
 18 Chairman.
 19 THE CHAIRPERSON: So,
 20 Ms. Arcesi, did you prepare or assist in the
 21 preparation of these exhibits?
 22 THE WITNESS (Arcesi): I
 23 printed them at Staples and pulled them from
 24 the website, AT&T's website.
 25 THE CHAIRPERSON: Okay. But

1 JENNIFER ARCESI,
 2 called as a witness, being first duly
 3 sworn by Melanie Bachman, Esq., was
 4 examined and testified on her oath as
 5 follows:
 6 THE CHAIRPERSON: So I
 7 understand you have an additional exhibit?
 8 THE WITNESS (Arcesi): I do.
 9 We weren't able to finish up the discussion
 10 last time, and so we were asked to submit our
 11 questions, and we were given written answers.
 12 Based on one of those answers, I do have an
 13 additional map that I'd like to present, if
 14 that is okay?
 15 THE CHAIRPERSON: Okay. And
 16 make sure you give a copy to Attorney Laub
 17 and --
 18 MS. ARCESI: I'm not sure the
 19 count is right, but there are 20. It should
 20 cover.
 21 THE CHAIRPERSON: I'm not sure
 22 how this is going to work out, but we have to
 23 go through the verification process
 24 because -- well, maybe you did actually
 25 prepare these, but we'll find out in a

1 the request for status, that you prepared?
 2 THE WITNESS (Arcesi): My
 3 request for intervenor status?
 4 THE CHAIRPERSON: Yes.
 5 THE WITNESS (Arcesi): I
 6 prepared it myself, and I think it was
 7 approved.
 8 THE CHAIRPERSON: Right, but
 9 it's just part of the process.
 10 THE WITNESS (Arcesi): Okay.
 11 THE CHAIRPERSON: And do you
 12 have any additions, clarifications, deletions
 13 or modifications of the documents?
 14 THE WITNESS (Arcesi): No, the
 15 maps that I had previously presented and then
 16 this map today.
 17 THE CHAIRPERSON: Are these
 18 exhibits true and accurate to the best of
 19 your knowledge?
 20 THE WITNESS (Arcesi): Yes,
 21 they are.
 22 THE CHAIRPERSON: Do you offer
 23 these exhibits as testimony today?
 24 THE WITNESS (Arcesi): Yes.
 25 THE CHAIRPERSON: And do you

1 offer them as full exhibits?
 2 THE WITNESS (Arcesi): Full
 3 exhibits?
 4 THE CHAIRPERSON: Yes.
 5 THE WITNESS (Arcesi): Yes.
 6 THE CHAIRPERSON: Is there any
 7 objection to admitting these exhibits?
 8 MR. LAUB: Mr. Chairman, I
 9 understood that these appear to be printed
 10 from AT&T's website, which is publicly
 11 available information. I know Ms. Arcesi
 12 prepared them as far as the paper and the
 13 printouts, but I know that she's not
 14 providing these as RF testimony. I am
 15 concerned just with respect to -- and I'm
 16 trying to be accommodating, but I am
 17 concerned because my experience has been that
 18 these type of printouts, this type of
 19 information on websites, whether it be AT&T
 20 or other carriers, usually come with caveats
 21 and explanations regarding the purposes for
 22 which these are provided. I think the
 23 coverage legends and definitions has some of
 24 that standard information, but not what I'm
 25 typically involved in seeing. So I don't

1 did here in getting these maps is go to the
 2 AT&T website and ask for a coverage map, and
 3 that coverage map was probably the whole
 4 United States, something like that?
 5 THE WITNESS (Arcesi): No.
 6 Actually, I can answer this. What I did was
 7 I went to each of the providers, and I put in
 8 the same address, which happened to be mine
 9 because I'm an abutter, so it gets us very
 10 close to the site, and I pulled up what they
 11 say their coverage is.
 12 MR. ASHTON: Did the initial
 13 map when you first went to the website, was
 14 that the whole or large geographical area?
 15 THE WITNESS (Arcesi): I
 16 believe on AT&T's site it was. The other
 17 maps I printed out a while ago, and I can't
 18 say for certain.
 19 MR. ASHTON: Okay. Let's just
 20 stick with AT&T. I'm just trying to
 21 understand how you got this. So then what
 22 you did was you asked the website to refine
 23 the view of service area by expanding the
 24 scale; is that right?
 25 THE WITNESS (Arcesi): That is

1 know where that really leaves us as full
 2 exhibits.
 3 THE CHAIRPERSON: I think
 4 we'll accept them at this time for what
 5 they're worth. If you want, during
 6 cross-examination, to elicit more out of it,
 7 but we'll accept them at this point.
 8 MR. LAUB: Understood.
 9 THE CHAIRPERSON: Thank you.
 10 (Jennifer Arcesi Exhibits
 11 IV-B-1 and 2: Received in evidence -
 12 described in index.).
 13 THE CHAIRPERSON: So, now
 14 cross-examination.
 15 Mr. Martin, do you have
 16 questions?
 17 MR. MARTIN: No questions,
 18 Mr. Chairman.
 19 THE CHAIRPERSON: Dr. Bell?
 20 DR. BELL: No questions,
 21 Mr. Chair.
 22 THE CHAIRPERSON: Mr. Ashton?
 23 MR. ASHTON: Just, if I may,
 24 Mr. Chairman.
 25 Ms. Arcesi, I assume what you

1 correct.
 2 MR. ASHTON: Thank you.
 3 Nothing further.
 4 THE CHAIRPERSON: Dr. Klemens?
 5 DR. KLEMENS: I just have one
 6 question coming from your cross-examination
 7 of Mr. Milone. I couldn't -- and I'm not
 8 asking you to repeat his, but I'll ask you,
 9 did the Town of Cheshire have a public
 10 hearing on this matter?
 11 THE WITNESS (Arcesi): We did
 12 not. And about a year ago I called
 13 Mr. Milone and spoke to him personally and
 14 asked to be kept afloat of any progress, and
 15 I did not hear anything back until I received
 16 legal notice from AT&T's attorneys.
 17 DR. KLEMENS: Thank you.
 18 No further questions,
 19 Mr. Chairman.
 20 THE CHAIRPERSON: Director
 21 Caron?
 22 MR. CARON: Mr. Chairman, I
 23 guess I would just ask: So these maps you
 24 pulled up, I look at them, and it just seems
 25 like they're just trying to show off how much

1 coverage they provide, so is it more of a
 2 marketing tool?
 3 THE WITNESS (Arcesi): I
 4 believe that's true. The reason I presented
 5 them is we've been discussing the need, and
 6 truly these are two separate entities, the
 7 Town of Cheshire, and the AT&T. AT&T is the
 8 Applicant, so their need has to be important.
 9 I had presented maps from other carriers, and
 10 the response was that AT&T can't speak to the
 11 credibility of those maps. So then I thought
 12 I should probably present theirs as it is
 13 represented on their site to consumers, which
 14 doesn't look like a very desperate area.
 15 MR. CARON: Thank you.
 16 Thank you, Mr. Chairman.
 17 THE CHAIRPERSON: Mr. Hannon?
 18 MR. HANNON: I have no
 19 questions. Thank you.
 20 THE CHAIRPERSON: Just one
 21 question on the process in the Town. Do you
 22 know, was there a review by the Cheshire
 23 Planning and Zoning Commission of this
 24 project?
 25 THE WITNESS (Arcesi): I

1 MR. LAUB: And these colors
 2 are reflective of what you had on the screen?
 3 THE WITNESS (Arcesi): Yes.
 4 MR. LAUB: And then did you
 5 review or look at any of the other
 6 information that was attendant to this
 7 regarding any sort of qualifications
 8 regarding this information that was being
 9 provided?
 10 THE WITNESS (Arcesi): I
 11 searched as much as I could and came up with
 12 page 3, and I'm sure there is more
 13 information, but this is the information
 14 that's presented online to consumers.
 15 MR. LAUB: Okay. No further
 16 questions, Mr. Chairman.
 17 THE CHAIRPERSON: Attorney
 18 Cohen?
 19 MR. COHEN: I'm sorry. I
 20 apologize. I was out of the room.
 21 Is it Ms. Arcesi --
 22 THE CHAIRPERSON: Yes.
 23 MR. COHEN: Okay. Thank you.
 24 I know it's in the record,
 25 your address, but do you recall the date of

1 believe it says in the proposal that this did
 2 go through planning and zoning, but I did not
 3 speak with anyone at planning and zoning. I
 4 don't have the answer to that question.
 5 THE CHAIRPERSON: And do you
 6 know whether they held a hearing or allowed
 7 any testimony?
 8 THE WITNESS (Arcesi): I don't
 9 believe so. Mr. Milone said, in the
 10 newspaper, that the public hearing that
 11 Connecticut Siting Council allowed last month
 12 was the public's first opportunity to speak
 13 on the topic.
 14 THE CHAIRPERSON: Not the
 15 first time that we're the ones that --
 16 THE WITNESS (Arcesi): You're
 17 the end of the rope. I know.
 18 THE CHAIRPERSON: Okay. So
 19 that's Council and staff.
 20 So we'll now go to any
 21 questions by the Applicant.
 22 MR. LAUB: Just following up
 23 from before. So just to clarify, you printed
 24 these off of AT&T's website?
 25 THE WITNESS (Arcesi): Correct.

1 which you closed on your current house?
 2 THE WITNESS (Arcesi): Let's
 3 see --
 4 MR. COHEN: The year?
 5 THE WITNESS (Arcesi): Well,
 6 I'm going to get it for you. My daughter is
 7 eleven. I was pregnant at the time. She was
 8 born in the summer. So eleven years ago in
 9 January. Is anyone good on math? Eleven
 10 years ago in January.
 11 MR. COHEN: You know, that's
 12 how I calculate, you know, how long I've been
 13 in my house.
 14 THE CHAIRPERSON: It sounds
 15 like 2003, give or take.
 16 THE WITNESS (Arcesi): There
 17 we go. The market was high.
 18 MR. COHEN: So my
 19 understanding was -- and I apologize, I don't
 20 know where it is in the record. I know it's
 21 in the pre-file testimony -- the wastewater
 22 treatment plant was there when you --
 23 THE WITNESS (Arcesi):
 24 Absolutely.
 25 MR. COHEN: Okay. Thank you.

1 No further questions.
 2 THE CHAIRPERSON: Mr. Wassmer,
 3 do you have any questions for your
 4 co-intervenor?
 5 MR. WASSMER: No, I do not.
 6 (Witness excused.)
 7 THE CHAIRPERSON: Okay. So
 8 we'll now go to the appearance by
 9 Mr. Wassmer. You can stay there.
 10 So I'll now go through the
 11 same. Would you please stand to be sworn in?
 12 G A R Y W A S S M E R,
 13 called as a witness, being first duly
 14 sworn by Melanie Bachman, Esq., was
 15 examined and testified on his oath as
 16 follows:
 17 THE CHAIRPERSON: It's my
 18 understanding you have one exhibit that's
 19 your original request for intervenor status?
 20 THE WITNESS (Wassmer): That's
 21 correct.
 22 THE CHAIRPERSON: Okay. We'll
 23 have to go through that process.
 24 So, Mr. Wassmer, you've
 25 offered the exhibit under Roman Numeral

1 do.
 2 THE CHAIRPERSON: Do you offer
 3 it as a full exhibit?
 4 THE WITNESS (Wassmer): Yes.
 5 THE CHAIRPERSON: Any
 6 objection to this?
 7 MR. LAUB: No.
 8 THE CHAIRPERSON: No
 9 objection, they will be made part of the
 10 proceedings.
 11 (Gary Wassmer Exhibit V-B-1:
 12 Received in evidence - described in index.)
 13 THE CHAIRPERSON: So we'll
 14 start with cross-examination.
 15 MR. MARTIN: No questions,
 16 Mr. Chairman.
 17 THE CHAIRPERSON: Dr. Bell?
 18 DR. BELL: No questions, Mr.
 19 Chair.
 20 THE CHAIRPERSON: Mr. Ashton?
 21 MR. ASHTON: No questions.
 22 Thank you.
 23 THE CHAIRPERSON: Dr. Klemens?
 24 DR. KLEMENS: No questions.
 25 Thank you, Mr. Chair.

1 V-B-1, request for intervenor status; is that
 2 correct?
 3 THE WITNESS (Wassmer): That's
 4 correct.
 5 THE CHAIRPERSON: Is there any
 6 objection to making these for identification
 7 purposes, this exhibit?
 8 Hearing and seeing none, Mr.
 9 Wassmer, did you prepare or assist in the
 10 preparation of this exhibit?
 11 THE WITNESS (Wassmer): Yes, I
 12 did.
 13 THE CHAIRPERSON: Do you have
 14 any additions, clarifications, deletions or
 15 modifications?
 16 THE WITNESS (Wassmer): No, I
 17 do not.
 18 THE CHAIRPERSON: Are these
 19 exhibits true and accurate to the best of
 20 your knowledge?
 21 THE WITNESS (Wassmer): Yes,
 22 they are.
 23 THE CHAIRPERSON: Do you offer
 24 these exhibits as your testimony today?
 25 THE WITNESS (Wassmer): Yes, I

1 THE CHAIRPERSON: I'm sorry.
 2 Director Caron?
 3 MR. CARON: No questions,
 4 Mr. Chairman.
 5 THE CHAIRPERSON: Mr. Hannon?
 6 MR. HANNON: I have no
 7 questions. Thank you.
 8 THE CHAIRPERSON: Okay. We'll
 9 now go to the Applicant.
 10 MR. LAUB: Just a brief
 11 question, Mr. Wassmer.
 12 I understand you work for the
 13 City of Milford?
 14 THE WITNESS (Wassmer): That's
 15 correct.
 16 MR. LAUB: And you're a PE?
 17 THE WITNESS (Wassmer): I'm a
 18 professional engineer, licensed land
 19 surveyor, and certified flood plain manager.
 20 MR. LAUB: Okay. So, in your
 21 professional capacity, do you work in radio
 22 frequency engineering?
 23 THE WITNESS (Wassmer): No, I
 24 do not.
 25 MR. LAUB: Okay. No further

1 questions.
 2 THE CHAIRPERSON:
 3 Cross-examination, Attorney Cohen?
 4 MR. COHEN: Thank you,
 5 Mr. Chair.
 6 Same question as Ms. Arcesi.
 7 What is --
 8 THE WITNESS (Wassmer):
 9 February 13, 2009, Friday the 13th.
 10 MR. COHEN: Thank you. Other
 11 than do you remember when your children were
 12 born. Thank you.
 13 THE CHAIRPERSON: Okay.
 14 Ms. Arcesi, do you wish to
 15 cross-examine Mr. Wassmer? Do you have any
 16 questions for him?
 17 MS. ARCESI: I do.
 18 Mr. Wassmer, when you bought
 19 your home, was there a cell tower present?
 20 THE WITNESS (Wassmer): No,
 21 there was not.
 22 MS. ARCESI: Did your realtor
 23 give you any information that a cell tower
 24 was proposed for that location?
 25 THE WITNESS (Wassmer): No,

1 DEAN GUSTAFSON,
 2 called as a witness, being first duly
 3 sworn by Melanie Bachman, Esq., was
 4 examined and testified on his oath as
 5 follows:
 6 MARTIN LAVIN,
 7 ADAM BRAILLARD,
 8 VINCENT XAVIER,
 9 MICHAEL LIBERTINE,
 10 SCOTT CHASSE,
 11 having been previously duly sworn, were
 12 examined and testified further on their
 13 oaths as follows:
 14 THE CHAIRPERSON: It's my
 15 understanding that there is a couple of new
 16 exhibits, Attorney Laub, Roman Numeral II,
 17 items B-6 through 8; is that correct?
 18 MR. LAUB: Correct.
 19 I'll just ask my panel,
 20 starting with Mr. Chasse, did you prepare,
 21 supervise, and are you otherwise familiar
 22 with the items noted by the Chairman which
 23 are the materials which were prepared as part
 24 of responses to interrogatories and
 25 supplemental submission?

1 they did not.
 2 MS. ARCESI: And would it have
 3 had an effect on your purchasing that
 4 property?
 5 THE WITNESS (Wassmer): Yes,
 6 it would.
 7 MS. ARCESI: No further
 8 questions.
 9 THE WITNESS (Wassmer): Thank
 10 you.
 11 (Witness excused.)
 12 THE CHAIRPERSON: Thank you.
 13 We'll now return to where we
 14 left off, more or less, at the last hearing
 15 with the appearance by the Applicant.
 16 Everybody has been sworn in;
 17 is that correct?
 18 MR. LAUB: No. Mr. Gustafson
 19 needs to be sworn in.
 20 THE CHAIRPERSON: Okay. Can
 21 we do that now?
 22
 23
 24
 25

1 THE WITNESS (Chasse): Yes, I
 2 am.
 3 THE WITNESS (Gustafson): Dean
 4 Gustafson. Yes.
 5 THE WITNESS (Libertine): Mike
 6 Libertine. Yes.
 7 THE WITNESS (Xavier): Vincent
 8 Xavier. Yes.
 9 THE WITNESS (Brailard): Adam
 10 Brailard. Yes.
 11 THE WITNESS (Lavin): Martin
 12 Lavin. Yes.
 13 MR. LAUB: And do you have any
 14 corrections or modifications or
 15 clarifications at this time?
 16 THE WITNESS (Chasse): Scott
 17 Chasse. No.
 18 THE WITNESS (Gustafson): Dean
 19 Gustafson. No.
 20 THE WITNESS (Libertine): Mike
 21 Libertine. No.
 22 THE WITNESS (Xavier): Vincent
 23 Xavier. No.
 24 THE WITNESS (Brailard): Adam
 25 Brailard. No.

1 THE WITNESS (Lavin): Martin
 2 Lavin. No.
 3 MR. LAUB: And do you adopt
 4 them as your sworn testimony today?
 5 THE WITNESS (Chasse): Scott
 6 Chasse. Yes.
 7 THE WITNESS (Gustafson): Dean
 8 Gustafson. Yes.
 9 THE WITNESS (Libertine): Mike
 10 Libertine. Yes.
 11 THE WITNESS (Xavier): Vincent
 12 Xavier. Yes.
 13 THE WITNESS (Brailard): Adam
 14 Brailard. Yes.
 15 THE WITNESS (Lavin): Martin
 16 Lavin. Yes.
 17 MR. LAUB: I'd ask that they
 18 be admitted as full exhibits, Mr. Chairman.
 19 THE CHAIRPERSON: Okay. Do
 20 the parties or Intervenors have any
 21 objection?
 22 MS. ARCESI: No.
 23 MR. WASSMER: No.
 24 THE CHAIRPERSON: The exhibits
 25 are admitted.

1 cliff more or less.
 2 MR. WASSMER: I live there.
 3 It's pretty flat.
 4 THE WITNESS (Lavin): Within
 5 that area, yes, but there's a limit to how
 6 much sites can cover, topography, ground
 7 clutter, things of that nature, that keep the
 8 sites from covering any more than they do.
 9 Off to the west and the south of the site,
 10 there's significant terrain that blocks
 11 further coverage.
 12 MR. WASSMER: Okay. So to the
 13 west of the site is where the steep hill is?
 14 THE WITNESS (Lavin): Yes.
 15 And to the south there's the same topography
 16 that the line-of-sight path has to look over
 17 is -- our coverage runs through that same
 18 elevation.
 19 MR. WASSMER: Okay. I guess
 20 I'm just confused. I live less than 1,000
 21 feet away, and it's completely flat. So
 22 there are trees. So you're telling me that
 23 AT&T service won't go through trees?
 24 THE WITNESS (Lavin): Trees,
 25 foliage, do limit the coverage, but the

1 (Applicant's Exhibits II-B-6
 2 through 8: Received in evidence - described
 3 in index.)
 4 THE CHAIRPERSON: I believe
 5 when we had to end last time, Ms. Arcesi, you
 6 were in the process of cross-examining the
 7 Applicant. I also understand you would like
 8 to get home at a reasonable hour, so if you
 9 want to -- do you have any more questions?
 10 MS. ARCESI: I've given all my
 11 questions, so thank you.
 12 THE CHAIRPERSON: Okay. Thank
 13 you.
 14 Mr. Wassmer, do you have any
 15 questions of the Applicant?
 16 MR. WASSMER: Yes, I do.
 17 First, I want to thank you for
 18 clarifying a lot of my questions. My concern
 19 is the amount of coverage that appears to be
 20 postconstruction. Can you explain why there
 21 are still some like we'll call them white
 22 zones, dead zones, around the proposed tower
 23 that are less than 1,000 feet away?
 24 THE WITNESS (Lavin): It's a
 25 matter of topography in the area. There's a

1 primary limit is by topography which has the
 2 trees on top of it. And toward the south the
 3 link from this site to the police station and
 4 fire station goes to the south, the same
 5 point that limits the ability of the
 6 point-to-point link to serve also limits our
 7 coverage.
 8 MR. WASSMER: Okay.
 9 MR. LAUB: Just to clarify,
 10 Mr. Wassmer, maybe --
 11 MR. WASSMER: I'm on page 13
 12 of your application. I'm looking at
 13 specifically Riverside Drive, Worden Circle
 14 and Marks Place. And the reason I bring up
 15 this is that there were people that came to
 16 the public hearing and petitioned for the
 17 cell tower because they wanted better cell
 18 service. I believe one woman walked through
 19 8 feet of snow to make a phone call after the
 20 blizzard. She lives on Riverside, and I'm
 21 guessing that, based on this, she may or may
 22 not have had service afterwards. I guess
 23 that's my concern is if this is going to go
 24 through, there are still no guarantees that
 25 people that live right close by to it and are

1 going to have direct line of sight to an
 2 180-foot cell tower are still not going to
 3 have cell service.
 4 THE WITNESS (Lavin): People
 5 with direct line of sight certainly will.
 6 Page 13, Section 1, in the RF report portrays
 7 our PCS coverage as a much higher frequency
 8 and does not cover nearly as well as the 700.
 9 MR. WASSMER: So what's the
 10 difference between 1,400 and 700, 1,400 with
 11 cell service --
 12 THE WITNESS (Lavin): Seven
 13 hundred megahertz is a lower frequency. It's
 14 a group of what used to be television
 15 channels which are reallocated to wireless
 16 service to expand capacity. That lower
 17 frequency propagates much better than the
 18 1,900 megahertz frequency which was
 19 previously used, actually, for point to
 20 point.
 21 MR. WASSMER: Okay. So I
 22 guess I don't understand what long-term
 23 evolution is then. Is that all cell service
 24 and --
 25 THE WITNESS (Lavin): It's the

1 case, we use high-gain antennas that actually
 2 have very narrow beams trying to get the
 3 greatest distance we can out of the higher
 4 frequencies that don't propagate as well.
 5 MR. WASSMER: So the people
 6 that are directly affected by this visually
 7 will not receive cell service -- could not
 8 receive cell service?
 9 THE WITNESS (Lavin): They
 10 will have 700 megahertz service. It will be
 11 invisible to them. They don't need the 1,900
 12 megahertz service because they have the 700.
 13 The 700 does cover that area. The 1,900 is a
 14 little patchier.
 15 THE CHAIRPERSON: Could we
 16 have a follow-up question from Dr. Bell?
 17 DR. BELL: This is just an
 18 effort to try and clarify. Would it be
 19 correct to say that whether or not a person
 20 is able to receive service after this cell
 21 tower is built might depend upon the type of
 22 receiver that they have, the type of
 23 technology that they get?
 24 THE WITNESS (Lavin): In some
 25 cases. Almost any phone that's out there now

1 technology --
 2 MR. WASSMER: Cell service and
 3 data transfer?
 4 THE WITNESS (Lavin):
 5 Currently data, when Voice-over LTE goes into
 6 effect, it will also be carrying voice
 7 traffic.
 8 MR. WASSMER: Okay. I guess
 9 I'm just concerned that, like I said, there's
 10 going to be this tower, and we're still not
 11 going to have cell service. So if it went in
 12 place tomorrow with the technology that's
 13 there now, you're saying there could still be
 14 some spots where people do not have service?
 15 THE WITNESS (Lavin): There
 16 will still be places within town, certainly.
 17 MR. WASSMER: I'm talking
 18 about just right here. That's all I'm
 19 worried about. Just this one little area
 20 where it's 1,000 foot diameter, maybe 1,000
 21 foot radius, depending upon how you want to
 22 look at it, that there's four white zones
 23 that are directly next to the proposed cell
 24 tower.
 25 THE WITNESS (Lavin): In that

1 does 1,900 and 700. The consumer -- the
 2 phone will light up. It will see the 700
 3 service. If it's in those areas that show
 4 patchy 1,900 coverage, they'll receive their
 5 service from 700, and there won't be any
 6 apparent lack of coverage to them.
 7 MR. WASSMER: Okay. I'm not
 8 trying to be difficult. I'm just trying to
 9 understand it. It looks to me like that --
 10 and that was one of my questions, and I guess
 11 I didn't get it answered as much as I wanted
 12 to, was that both 700 and 1,900 provide both
 13 cell service and data service?
 14 THE WITNESS (Lavin):
 15 Currently they both provide data service.
 16 Voice-over LTE is coming very soon, and then
 17 we will have calls going over to LTE.
 18 MR. WASSMER: And that's the
 19 1,900 or that's 700?
 20 THE WITNESS (Lavin): It's
 21 both. Voice-over LTE will travel over 700
 22 and 1,900.
 23 MR. WASSMER: I have an iPhone
 24 4S. Will I have cell service at my house?
 25 I'm just trying to -- you're answering the

1 question, but you're not answering the
 2 question.
 3 THE WITNESS (Lavin): I don't
 4 know if the iPhone 4S is VoLTE capable,
 5 Voice-over LTE, so I can't answer that
 6 question exactly.
 7 MR. WASSMER: Okay. I don't
 8 know who to ask this question to, and this is
 9 a question that's kind of come up a lot
 10 today, is that this location is one of the
 11 lowest in topography for this entire area,
 12 and based on that, the coverage is limited.
 13 Would this be an ideal site for a cell tower
 14 if the town did not own the location and
 15 there was a quid pro quo worked out between
 16 the Town and Homeland for certain, you know,
 17 services between each other?
 18 MR. LAUB: Just to clarify,
 19 the only quid pro quo is that the carriers
 20 have to find a willing landowner, whether
 21 they're municipal or privately owned. So
 22 that's the only -- as carriers we don't have
 23 eminent domain, and so, legally, they're
 24 responsible to go and lease a piece of
 25 property.

1 would be one of the worst spots to site a
 2 cell tower unless you can raise it up 200
 3 feet in the air.
 4 THE WITNESS (Lavin): From a
 5 strictly RF point, apart from everything
 6 else, it would be perhaps that way. We've
 7 looked at moving up into that higher area to
 8 the west. We get too close to the silo site
 9 on the main road there on the west side going
 10 north and south. We looked at the Milone and
 11 MacBroom property. The problem is, much like
 12 if you're looking at the table there, sitting
 13 at the table, you're in an elevated location,
 14 but you can't see for 6 or 8 feet of the
 15 floor in front of the table. You're on an
 16 elevated area, but you've got a shadow from
 17 that terrain that's blocking coverage into
 18 that area. And that's primarily why sites
 19 into the west there moving toward the
 20 industrial area or toward the main road don't
 21 work.
 22 MR. WASSMER: Okay. I guess
 23 just one last question is: Based on this map
 24 on page 13 and on page 11, there's still a
 25 bunch of white zones, which I keep referring

1 As to the network design, I'll
 2 leave that to Mr. Lavin.
 3 THE WITNESS (Lavin): We
 4 evaluated several alternates around the area
 5 that were not on municipal property and
 6 didn't find any that worked as well as this
 7 one that were viable.
 8 MR. WASSMER: So places that
 9 were higher wouldn't work as well?
 10 THE WITNESS (Lavin): From an
 11 RF standpoint, yes. But they can't just be
 12 I'm the RF guy; I'd love to go with the high
 13 spot everywhere, but if I'm in someone's
 14 backyard on that ridge to the west or
 15 anywhere around there I can't --
 16 MR. WASSMER: No, I get that.
 17 THE WITNESS (Lavin): It has
 18 to meet the criteria for everyone at the
 19 table here. It has to be leasable. It has
 20 to be something we can build in every other
 21 respect other than just radio frequency.
 22 MR. WASSMER: Okay. I'm just
 23 trying to clarify that this is a very low
 24 spot, and me as a layperson, not an RF
 25 engineer, it seems to me that the lowest spot

1 to the term "dead zone." If I'm wrong, I
 2 apologize. Will AT&T be looking at adding --
 3 you know, on one map I count 10 or 11 dead
 4 zones. On the other one there's probably
 5 only 5 or 6 -- but will you be looking at --
 6 will AT&T be looking at these sites to add
 7 more towers to cover these as a need?
 8 THE WITNESS (Lavin): There
 9 are sites in process. The two blue sites,
 10 2264 or 84, 2248 are in process. They show
 11 coverage now. That's part of the plan in the
 12 future. There are others there that are not
 13 as far along.
 14 MR. WASSMER: Well, one spot
 15 right in the middle is where South Meriden
 16 Road meets Reservoir Road.
 17 THE WITNESS (Lavin): Uh-huh.
 18 MR. WASSMER: Is that a site
 19 that --
 20 THE WITNESS (Lavin): I don't
 21 know if there is a search ring there now.
 22 There are several within town.
 23 MR. WASSMER: I would assume
 24 that AT&T wants to cover as much plan as
 25 possible so --

1 THE WITNESS (Lavin): Yes.
 2 MR. WASSMER: I guess this is
 3 one of my concerns -- I guess I can't say
 4 that. Never mind. I don't want to go off on
 5 a tangent.
 6 I guess I'm all set. I have
 7 no further questions.
 8 MS. ARCESI: I have a
 9 follow-up, if I may?
 10 THE CHAIRPERSON: Yes. Go
 11 ahead, Ms. Arcesi.
 12 MS. ARCESI: You mentioned
 13 Milone and MacBroom as a site that was
 14 considered at 99 Realty Drive. Just as a
 15 point of accuracy, it said in the proposal
 16 that a 55-foot rooftop tower was considered,
 17 and then I think it might have been
 18 Mr. Xavier who said in testimony that a 170
 19 to 180-foot tower was also considered. Do we
 20 need to make that correction in the proposal,
 21 what was considered?
 22 THE WITNESS (Lavin): It was
 23 originally proposed to us as a rooftop
 24 installation. Just to be complete about it,
 25 we later, long after the application was

1 that's fine.
 2 MR. LAUB: That looks like it.
 3 DR. BELL: It's in the
 4 response to Ms. Arcesi. But my question is
 5 just to make clear so we all are on exactly
 6 the same page, it's your job to identify
 7 exactly where it is. I understand that. I'm
 8 not trying to testify. But the copy that I
 9 have of the map that's showing the LTE
 10 coverage of alternate three doesn't say what
 11 height it's --
 12 MS. ARCESI: Right.
 13 DR. BELL: -- the coverage is
 14 done from.
 15 THE WITNESS (Lavin): The
 16 label is --
 17 DR. BELL: And I'm just trying
 18 to reframe Ms. Arcesi's question. It is done
 19 from 180 feet?
 20 THE WITNESS (Lavin): From
 21 180-foot tower, yes.
 22 DR. BELL: Okay. Thank you.
 23 MS. ARCESI: And it does look
 24 much less spotty than --
 25 THE WITNESS (Lavin): It's in

1 prepared, looked at it as a 180-foot tower,
 2 and it didn't provide the coverage in that
 3 configuration either.
 4 MS. ARCESI: At the higher
 5 elevation with 180 feet, you still couldn't
 6 reach those locations?
 7 THE WITNESS (Lavin): It is
 8 still shadowed by that cliff that stands to
 9 the west of the proposed site.
 10 MS. ARCESI: Okay. And that
 11 study is not in the proposal, or did I just
 12 miss it?
 13 THE WITNESS (Lavin): It was
 14 not in the proposal. Was it part of the
 15 interrogatory reply?
 16 MS. ARCESI: I don't think I
 17 got a hard copy of that, so I may just not
 18 have that in my file.
 19 MR. LAUB: It did go out.
 20 THE WITNESS (Lavin): It's the
 21 last page of the interrogatory reply.
 22 MR. LAUB: It was Attachment
 23 1, the response to interrogatories.
 24 MS. ARCESI: That's fine. As
 25 long as it was, in fact, presented, then

1 a different area, though. It doesn't reach
 2 the coverage objective that we're trying to
 3 do. It doesn't show existing coverage. That
 4 plot is just meant to show that it is not
 5 reaching over to the area of the proposed
 6 site and not providing coverage where we need
 7 it.
 8 MS. ARCESI: And so where is
 9 that main objective area?
 10 THE WITNESS (Lavin): It is --
 11 MS. ARCESI: If we were to
 12 look at the proposed site star which is still
 13 on this map?
 14 THE WITNESS (Lavin): Yes. If
 15 you look back at the application, you can see
 16 the coverage map in the RF report on page 10.
 17 MS. ARCESI: Page 10, Section
 18 1?
 19 THE WITNESS (Lavin): Of
 20 Section 1, yes.
 21 MS. ARCESI: So we're looking
 22 to Allen Avenue, Byron Road, Redstone, Wolf
 23 Hill?
 24 THE WITNESS (Lavin): Those
 25 areas, yes.

1 MS. ARCESI: So for AT&T
 2 moving it to this alternate Site 3 would be a
 3 duplicate of what you have currently?
 4 THE WITNESS (Lavin): Yes,
 5 that, and the duplicate especially of the
 6 site CT 2038, the location of which is noted
 7 on that plot. The coverage of the black star
 8 shows where the current AT&T site is on that.
 9 MS. ARCESI: Okay. So AT&T's
 10 needs, as we've said, these are two separate
 11 entities, so the Town of Cheshire's needs are
 12 one, and AT&T are two, we're trying to get
 13 them on the same tower?
 14 THE WITNESS (Lavin): Yes.
 15 MS. ARCESI: Okay. So what
 16 could work for them may not work for you, but
 17 in this case you found a spot that works for
 18 you?
 19 THE WITNESS (Lavin): For both
 20 of us, yes.
 21 MS. ARCESI: Okay.
 22 THE CHAIRPERSON: Dr. Bell,
 23 did you have a follow-up, and then Dr.
 24 Klemens.
 25 DR. BELL: Just a follow-up

1 from Alternate 3 that you offered, so it's a
 2 little hard to tell. If you just kind of
 3 eyeball it, which is what you have to do,
 4 you're actually showing that there's quite a
 5 bit of coverage from Alternate 3 which does
 6 not duplicate CT 2038. So, going back to Mr.
 7 Wassmer's question about the white areas that
 8 are still left --
 9 THE WITNESS (Lavin): Yes.
 10 DR. BELL: -- actually
 11 Alternate 3 would provide coverage into those
 12 white areas?
 13 THE WITNESS (Lavin): Yes,
 14 among Cemetery Road near that road, yes.
 15 DR. BELL: South and --
 16 THE WITNESS (Lavin): It isn't
 17 without its uses. It just is not going to
 18 cover what we're looking to cover --
 19 DR. BELL: Right. And I'm not
 20 trying to argue that. But what I actually
 21 would like to ask is, if you were to expand
 22 CT 2038 to make it higher, which I don't know
 23 whether you could or not --
 24 THE WITNESS (Lavin): Nor do
 25 I.

1 about the question of what Alternate 3 might
 2 duplicate because I was following the line of
 3 thought, not whether it covers Cheshire Road
 4 or some of those areas that it obviously
 5 doesn't cover, Alternate 3, but what it does
 6 with respect to coverage from CT 2038, the
 7 49-foot tower. And I beg to differ. I'm
 8 confused with your answer because actually,
 9 although these two maps -- the map that we'd
 10 look at would be on page number 10 showing
 11 what the existing coverage from Connecticut
 12 2308 -- 2038 at 700 megahertz. And I think
 13 it's fair to say that the green area is kind
 14 of a rectangle going east-west, would that be
 15 sort of a good way to --
 16 THE WITNESS (Lavin): The main
 17 area of?
 18 DR. BELL: -- describe it, the
 19 coverage from 2038, and it's going mainly
 20 west?
 21 THE WITNESS (Lavin): Along
 22 the road itself and mainly to the west, as
 23 it's built. It's a 49-foot silo type of --
 24 DR. BELL: Yes. And although
 25 there's a different scale than the coverage

1 DR. BELL: Okay. So that
 2 doesn't pose an answer in that area in terms
 3 of Mr. Wassmer's question about how you would
 4 provide coverage in the future to areas that
 5 are not presently covered?
 6 THE WITNESS (Lavin): To other
 7 areas, yes.
 8 DR. BELL: Okay. Thank you.
 9 THE CHAIRPERSON: Dr. Klemens.
 10 DR. KLEMENS: I am still
 11 puzzled by the search. I want to just go
 12 back to the map of the Homeland search which
 13 shows Site Number 1. It's on Tab 3 of the
 14 application. And I see the preferred
 15 location as number one. What I've never
 16 understood about this application, we've
 17 talked a lot about how it won't work in the
 18 industrial area, and I understand that
 19 there's some value in having it on a
 20 municipal piece of land. But putting that to
 21 the side, why were sites north of Blacks Road
 22 along Cheshire Street never even in the
 23 search ring or looked at? Because I see
 24 there elevations, some of them at 150 feet.
 25 I see agricultural areas. I see a lot of

1 open. And if you're trying to get it away,
 2 potentially, from residences and
 3 neighborhoods, that seems to me a logical
 4 place, and yet the furthest north you went
 5 was the current site. If you go across
 6 Blacks Road and you get into agriculture
 7 areas where I think you could put a tower
 8 with potentially a lot less impact, why was
 9 it never looked at?

10 THE WITNESS (Xavier): It was
 11 looked at in the following sense. We keep --
 12 seem to be getting hung up on the height of
 13 certain areas. We can't just find the
 14 highest points and put the towers. The
 15 towers in the high elevations would only work
 16 if they were within the areas that needed
 17 coverage. In this instance, even though the
 18 sites to the north of the 1325 Cheshire
 19 Street property are higher, they're too far
 20 from the coverage area. Just because they're
 21 higher doesn't mean they're going to provide
 22 coverage. I need to look inside the area
 23 that lacks coverage itself. And the coverage
 24 needed was up and down Route 70 from
 25 Yalesville, slash, Academy Road up through

1 THE WITNESS (Xavier): As you
 2 can see, number one is my highest that I
 3 looked, which means it's in kind of the
 4 northern part of what I deem the search area,
 5 so to go another 750 feet is significant.
 6 And just because it's in an open area, that
 7 also means that now you have even more
 8 visibility of the proposed site there. So it
 9 was considered. I deemed it too high. And
 10 when all of the candidates were considered,
 11 RF determined that the site location I had
 12 chosen that that was the best one and that I
 13 should pursue that one.

14 DR. KLEMENS: So you did
 15 consider it, yet nowhere in the application
 16 or in your testimony, previously, did you say
 17 you considered those areas?

18 THE WITNESS (Xavier): I
 19 considered the whole area. I considered the
 20 entire town of Cheshire. And, in that, I
 21 isolated and defined the search area. And I
 22 was not going to consider in that, and I'm
 23 not going to send the proposal to every
 24 single property that is considered and, based
 25 on my experience, dismissed as a nonviable

1 Cheshire Street to River Road in that area.
 2 So, unfortunately, there is no
 3 tall peak in the center of that area that
 4 would have allowed me to go there that's in a
 5 nonresidential community. In order to cover
 6 the area, I needed to be in the area, and
 7 that's why I focused on these properties.

8 DR. KLEMENS: Okay. So
 9 looking at the scale on your Homeland search
 10 map?

11 THE WITNESS (Xavier): Uh-huh.
 12 DR. KLEMENS: They look like
 13 about 750-foot increments there roughly on
 14 the bottom. And you're telling me that the
 15 difference of 750 feet to go to those
 16 agricultural fields, for example, north of
 17 Blacks Road, that 750 feet makes a huge
 18 difference?

19 THE WITNESS (Xavier): Yes.
 20 DR. KLEMENS: We're not
 21 talking about a big distance. We're talking
 22 about just across Blacks Road there's a lot
 23 of open space, and some of it's at 150 feet
 24 and some of it's a little bit less. Why
 25 wasn't that looked at?

1 candidate due to its location and distance
 2 from the area of need.

3 DR. KLEMENS: So your search
 4 area really stretches from 1 to 6 on this
 5 map?

6 THE WITNESS (Xavier): Yes.
 7 The main area when I went out there when I
 8 identified the need, I said South Meriden
 9 Street, Route 70 through this area needs
 10 service, how am I going to provide service to
 11 that area.

12 DR. KLEMENS: I'd like to hear
 13 from an RAF engineer, is 750 feet distance
 14 going to make a huge difference?

15 MR. LAUB: Could you clarify,
 16 Dr. Klemens? Where is the 750 feet?

17 DR. KLEMENS: Well, I'm
 18 basically looking at your scale on the bottom
 19 there.

20 MR. LAUB: Map of Homeland
 21 search?

22 DR. KLEMENS: Yes. Which is
 23 one to 306, 28 feet. So I'm trying to break
 24 it up, and the best I can do is break it up
 25 into 700 to 800 while it's more like -- maybe

1 it's more like 800 or 900 feet.
 2 MR. LAUB: I just want to make
 3 sure that's what we're talking about.
 4 DR. KLEMENS: Well, it's not a
 5 very satisfactory scale, but that's where I'm
 6 getting a rough approximation that about 800
 7 feet to the north of one lies fields and
 8 other areas, and I find it difficult to
 9 believe that 800 feet makes that much of a
 10 difference, so I'd like to hear an RAF
 11 engineer opine on this.
 12 THE WITNESS (Lavin): I don't
 13 know the topology in that area, but you can
 14 end up moving behind something. There is an
 15 area --
 16 DR. KLEMENS: It's a little
 17 bit higher, sir. It's about 20 feet higher.
 18 MR. LAUB: Objection. I don't
 19 think it's necessarily higher because I think
 20 what Mr. Lavin is talking about is, if you
 21 look at page 7 of the topography map, I think
 22 it's actually following up the valley, and
 23 there's actually higher terrain going to the
 24 west, but the road also goes up that way.
 25 DR. KLEMENS: I think, sir, if

1 unless you --
 2 THE WITNESS (Lavin): I'm
 3 having trouble finding the exact spot. In
 4 some cases we looked to the north. There is
 5 an area -- we looked at 330 -- the other
 6 county water property at 330 Blacks Road,
 7 similar height tower, just that much further
 8 north, moves behind sort of a peninsula,
 9 promontory, butte, whatever you're fond of
 10 calling it. You're not moving very far
 11 north, but you end up behind the terrain
 12 feature that blocks -- once again shadows
 13 coverage into this area. I'm not sure -- as
 14 I'm trying to find the spot on the topo map
 15 here, I'm not sure if that's also true of the
 16 agricultural area to the north, but you can,
 17 in the course of moving 800 feet, end up
 18 behind something that causes you -- you can
 19 gain some elevation but have an intervening
 20 terrain that gets in the way.
 21 DR. KLEMENS: Could I have one
 22 more crack at this and then I'll stop?
 23 THE CHAIRPERSON: Okay, one
 24 more crack.
 25 DR. KLEMENS: If you go to

1 you look at the topographic map, you'll see
 2 the topographic lines going up at 10-foot
 3 intervals. That's on the photo log, the
 4 topographic map. It's very clear to see that
 5 you go from 120 maybe to 130 to 140 going up
 6 that road. It is increasing, at least the
 7 way I read topographic maps. That would
 8 be -- there's no pagination here. That would
 9 be behind Tab Number 9, the visibility
 10 analysis, the first page you see a
 11 topographic map. So it is somewhat higher,
 12 not much, but it is higher.
 13 THE CHAIRPERSON: I think we
 14 had an answer to your question.
 15 DR. KLEMENS: I haven't heard
 16 from an RF engineer whether 800 feet makes a
 17 difference.
 18 THE CHAIRPERSON: I thought he
 19 said I suppose if it was totally flat and no
 20 vegetation that would be a -- he could answer
 21 that, but I thought he said that depending on
 22 these other factors. I'm just not sure how
 23 much --
 24 DR. KLEMENS: Okay.
 25 THE CHAIRPERSON: I mean,

1 your topographic map that's behind Tab Number
 2 9, you see the site. It's got a big square
 3 on it. Why don't we go, just for argument's
 4 sake, to Point Number 3 in Mr. Libertine's --
 5 what's shown on the map as number 3, which
 6 sits, you know, there is some houses there,
 7 but agricultural fields. Would you encounter
 8 that problem at Point Number 3 on that map?
 9 THE WITNESS (Lavin):
 10 Possibly, in terms of seeing things that are
 11 southwest of the site, that Site 3 would have
 12 to go over the location of Site 9 to some
 13 extent and 10 to reach areas to the southwest
 14 of the site. By moving that way, you get a
 15 worse view of that cliff to the west. It
 16 ends up moving -- as you're moving north, it
 17 can move and block some of the view that the
 18 proposed site has.
 19 DR. KLEMENS: The cliff being
 20 about 200 feet and the tower, let's say, at
 21 150 feet, you'd still find that --
 22 THE WITNESS (Lavin): You
 23 would get shadowing on the back side.
 24 DR. KLEMENS: Thank you.
 25 No further questions,

1 Mr. Chairman.
 2 THE CHAIRPERSON: Mr. Wassmer,
 3 do you have any more questions?
 4 MR. WASSMER: I don't think
 5 so. I'm going to say no.
 6 THE CHAIRPERSON: All right.
 7 We'll go to the Town, Attorney Cohen.
 8 MR. COHEN: Mr. Chairman, the
 9 Town has no questions. Thank you.
 10 THE CHAIRPERSON: We'll just
 11 go give one more round for the Council,
 12 anything that hasn't been asked.
 13 Mr. Martin?
 14 MR. MARTIN: No questions,
 15 Mr. Chairman.
 16 THE CHAIRPERSON: Dr. Bell?
 17 DR. BELL: No. No questions,
 18 Mr. Chair.
 19 THE CHAIRPERSON: Mr. Ashton?
 20 MR. ASHTON: No.
 21 THE CHAIRPERSON: Dr. Klemens?
 22 DR. KLEMENS: No further
 23 questions, Mr. Chairman.
 24 THE CHAIRPERSON: Director
 25 Caron?

1 new information, no new evidence, no new
 2 argument or reply briefs without our
 3 permission will be considered.
 4 Again, copies of the
 5 transcript of this hearing will be filed at
 6 the Cheshire Town Clerk's Office.
 7 And I hereby declare this
 8 hearing adjourned. And thank you all for
 9 your participation, and drive home safely.
 10 Thank you.
 11 MR. COHEN: Thank you.
 12 (Whereupon, the witnesses were
 13 excused, and the above proceedings were
 14 adjourned at 2:54 p.m.)
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1 MR. CARON: No questions, Mr.
 2 Chairman.
 3 THE CHAIRPERSON: Mr. Hannon?
 4 MR. HANNON: No questions.
 5 Thank you.
 6 THE CHAIRPERSON: Before
 7 closing this hearing, the Connecticut Siting
 8 Council announces that briefs and proposed
 9 findings of fact may be filed with the
 10 Council by any party or intervenor no later
 11 than December 1 of this year. The submission
 12 of briefs or proposed findings of fact are
 13 not required by this Council, rather we leave
 14 it to the choice of the parties and
 15 intervenors.
 16 Anyone who has not become a
 17 party or intervenor, but who desires to make
 18 his or her views known to the Council, may
 19 file written statements with the Council
 20 within 30 days of the date hereof.
 21 The Council will issue draft
 22 findings of fact, and thereafter parties and
 23 intervenors may identify errors or
 24 inconsistencies between the Council's draft
 25 findings of fact and the record; however, no

1 CERTIFICATE
 2 I hereby certify that the foregoing 112
 3 pages are a complete and accurate
 4 computer-aided transcription of my original
 5 stenotype notes taken of the Continued
 6 Council Meeting in Re: DOCKET NO. 451,
 7 HOMELAND TOWERS, LLC, AND NEW CINGULAR
 8 WIRELESS PCS, LLC, APPLICATION FOR A
 9 CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY
 10 AND PUBLIC NEED FOR THE CONSTRUCTION,
 11 MAINTENANCE, AND OPERATION OF A
 12 TELECOMMUNICATIONS FACILITY LOCATED AT
 13 CHESHIRE WASTEWATER TREATMENT PLANT, CHESHIRE
 14 TAX ASSESSOR MAP 38, LOT 180, 1325 CHESHIRE
 15 STREET, CHESHIRE, CONNECTICUT, which was held
 16 before ROBERT STEIN, Chairperson, at the
 17 Connecticut Siting Council, 10 Franklin
 18 Square, New Britain, Connecticut, on
 19 October 28, 2014.
 20
 21
 22
 23 -----
 24 Lisa R. Warner, L.S.R. 061
 25 Court Reporter
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