## In The Matter Of:

Application from Cellco Partnership d/b/a v. Verizon Wireless

> Evening Hearing Docket No. 462 September 15, 2015

> > BCT Reporting LLC PO Box 1774 Bristol, CT 06010 860.302.1876

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1	
2	STATE OF CONNECTICUT
3	CONNECTICUT SITING COUNCIL
4	
5	Docket No. 462
6	Application from Cellco Partnership d/b/a
7	Verizon Wireless for a Certificate of
8	Environmental Compatibility and Public Need
9	for the Construction, Maintenance, and
10	Operation of a Telecommunications Facility
11	Located at 15 Great Pasture Road, Danbury,
12	Connecticut.
13	
14	Public Hearing and Council Meeting held
15	at the Danbury City Hall, Council Chambers,
16	155 Deer Hill Avenue, Danbury, Connecticut,
17	Tuesday, September 15, 2015, beginning at
18	7:00 p.m.
19	
20	Held Before:
21	ROBIN STEIN, Chairperson
22	
23	
24	
25	

1	Appearances:
2	Council Members:
3	ROBERT HANNON, DEEP Designee
4	DR. MICHAEL W. KLEMENS
5	
6	Council Staff:
7	MELANIE BACHMAN, ESQ.,
8	Executive Director and
9	Staff Attorney
10	MICHAEL PERRONE
11	Siting Analyst
12	
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1	Appearances:(cont'd)
2	
3	For CELLCO PARTNERSHIP d/b/a VERIZON
4	WIRELESS:
5	ROBINSON & COLE, LLP
6	280 Trumbull Street
7	Hartford, Connecticut 06103-3597
8	By: KENNETH C. BALDWIN, ESQ.
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1 THE CHAIRMAN: Good afternoon, ladies and gentlemen. I'd like to call to 2 order this hearing of the Connecticut Siting 3 Council, today, Tuesday, September 15, 2015, 4 5 7 p.m. My name is Robin Stein. I'm Chairman of the Siting Council. 6 7 Other members of the Council 8 present are Mr. Hannon, our designee from the 9

Department of Energy and Environmental Protection; Dr. Klemens; and myself.

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Members of the staff present are Attorney Melanie Bachman, our Executive Director, Staff Attorney; and Michael Perone our siting analyst.

This is a continuation of a public hearing that began at 3 p.m. this afternoon. Copies of the hearing program and Council's Citizen Guide to Siting Council procedures are available in the back for -it looks like for the member of the public.

This hearing is held pursuant to the provisions of Title 16 of the Connecticut General Statutes and of the Uniform Administrative Procedure Act upon an Application from Cellco Partnership d/b/a

1 Verizon Wireless for a Certificate of

2 Environmental Compatibility and Public Need

3 for the Construction, Maintenance and

4 Operation of a Telecommunication Facility

5 Located at 15 Great Pasture Road, Danbury,

6 Connecticut. This application was received

by the Council on July 7, 2015.

This application is governed by the Telecommunication Act of 1996 which is administered by the Federal Communication Commission. This act prohibits the Council from considering the health effects of radio frequency emissions on human health and wildlife to the extent the emissions from towers are within the federal acceptable safe limit standards, which standards are also followed by the State Department of Public Health.

The federal act also prohibits the Council from discriminating between and amongst providers of functionally equivalent services. This means that if one carrier already provides service for an area, other carriers have the right to compete and provide service in the same area.

The Applicant published notice of the filing of the application to the Council in the News Times on July 1 and July 2, 2015. The Council's legal notice of the date and time of this hearing was published in the News Times on August 12, 2015.

Upon this Council's request
the Applicant erected a sign at the proposed
site so as to inform the public of the name
of the applicant, type of facility, hearing
date and location and contact information for
the Council. This afternoon members of the
Council and staff personally conducted a
field review of the proposed site in order to
observe firsthand the potential effects of
the proposal.

This hearing session tonight has been reserved for the public to make statements into the record. These statements are not subject to questions from the parties or the Council, and members of the public making statements may not ask questions of parties or Council. These statements will become part of the record for Council consideration.

There's a sign-up sheet for anyone who would like to participate. And as a reminder to all, off the record communication with a member of the Council or a member of the Council staff upon the merits of this application are prohibited by law.

I also wish to note for those who are here and for the benefit of your friends and neighbors who are unable to join us for the public comment session, that you or they may send written statements to the Council within 30 days of the date hereof and such written statements will be given the same weight as if spoken at the hearing.

A verbatim transcript will be made of this hearing and deposited at the Danbury City Clerk's office and the Bethel Town Clerk's office for the convenience of the public. And would now start this for public statements.

Ma'am, do you have any -you're just here to observe? Okay. Thank
you. Hearing and seeing no members, other
members of the public or anyone who wishes to
make a statement, the Council will now close

- 1 the public comment session of the hearing.
- 2 And then we're going to resume
- 3 the evidentiary session, because I guess
- 4 there are a couple of followup items from
- 5 this afternoon. So with that, Attorney
- 6 Baldwin?
- 7 MR. BALDWIN: Yes,
- 8 Mr. Chairman. There were two items that we
- 9 took as a homework assignments. The first
- 10 was the question regarding antenna heights of
- 11 Verizon's Danbury and Danbury 3 facilities.
- 12 Those are existing rooftop installations.
- And I would ask Mr. Ulanday to
- 14 fill in the blanks with respect to his
- 15 antenna centerline heights at those
- 16 facilities.
- 17 ANTHONY BEFERA,
- 18 MICHAEL LIBERTINE,
- 19 DEAN GUSTAFSON,
- 20 RYAN ULANDAY,
- 21 ALEX TYURIN,
- 22 CARLO F. CENTORE,
- 23 recalled as witnesses, having been
- 24 previously sworn by the Executive
- 25 Director, were examined and testified on

1 their oaths as follows: THE WITNESS (Ulanday): Thank 2 3 you, Ken. So for our Danbury site, which 4 5 is at the Danbury Hospital, we are at 156 antenna centerline, 156 feet, that is. 6 7 for Danbury 3, which is at 30 Main Street, 8 we're at 63 feet at the antenna centerline. 9 MR. BALDWIN: Thank you. Also 10 there was a question during the afternoon session regarding some open space to the 11 south of the subject site. And Mr. Libertine 12 has some additional information regarding 13 that issue. 14 15 THE WITNESS (Libertine): Thank you. 16 17 The -- just as a means of 18 introduction, the digital information that's presented here is publicly available, and in 19 20 some cases it gives you very good information behind what's being displayed here. 21 22 Unfortunately that area that is shown as -it is municipal open space, I can tell you 23 24 that -- is just south of the site and appears

to be associated with the -- the two brooks,

the Sympaug Brook and Chestnut Brook, and its floodplain. Unfortunately it's just simply identified as undefined, which we get a lot of, so I can't tell you exactly other than the fact that it is municipally owned.

And I do have information on some of the others that are within the study area. They're similarly -- I can say that they are municipally owned and several are associated. The ones to the west, southwest that kind of dominate that southwest corner actually go outside of the two-mile study area. They're associated with Rogers Park and what's known as Terryville Park, but there's several parcels that are strung together there.

about three quarters of a mile away from the site there is an area that is known as the East Swamp Brook Wildlife Area, and that seems to be a multitude of parcels that have also been strung together. But again, it's municipal open space. Unfortunately I don't have much more information that's provided in the underlying GIS data.

1 THE CHAIRMAN: Mr. Perone. MR. PERONE: I have a couple 2 3 of questions regarding the compound fence. understand that the inch-and-a-quarter mesh 4 5 size is proposed, but privacy slats are also proposed. Are the privacy slats compatible 6 7 with the instrument quarter. In other words, are they available for that size? And if no, 8 9 what other options exist? THE WITNESS (Centore): 10 privacy slats are not available for 11 inch-and-a-quarter fence chain-link fence 12 The minimum size is two inch on the 13 mesh. mesh in order to fit the inch-and-a-quarter 14 15 slats. They don't make smaller slats. There's two options that could 16 be done here. The first option is to go with 17 18 the two-inch mesh and use the inch-and-a-quarter slats which -- which we 19 believe will have the same effect of having 20 the smaller chain-link mesh, because you 21 won't be able to -- to climb through because 22 23 of the slats being present.

that, they make a mesh material that could be

But as another alternative to

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fastened on the backside of the fence behind
1
    the chain link. That's a screening of sorts
2
3
    that gets fastened top and bottom rail, and
    that can be used in the inch-and-a-quarter
4
5
    mesh and also provide some -- some screening,
    or shading of the -- of the back of the
6
7
    fence.
8
                   MR. PERONE:
                                 Okay. So with
9
    the two-inch chain-link size the privacy
10
    slats are an inch and a quarter?
11
                    THE WITNESS (Centore):
12
                    Correct.
13
                   MR. PERONE: Okay. I have no
14
    other questions. Thank you.
15
                    THE CHAIRMAN: Dr. Klemens.
16
                    DR. KLEMENS: So what's a
    normal chain-link fence mesh?
17
18
                    THE WITNESS (Centore):
    normal chain-link mesh is -- it's two inch.
19
                   DR. KLEMENS: Two inch?
20
                    THE WITNESS (Centore):
21
22
                   Correct.
23
                   DR. KLEMENS: So basically
24
    what you're saying is you're taking a two
25
    inch, you're taking the standard mesh and
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putting privacy slats in?
1
                    THE WITNESS (Centore):
2
3
                    Correct.
                   DR. KLEMENS: And the smaller
4
5
    mesh is what?
                    THE WITNESS (Centore): Inch
6
7
    and a quarter.
8
                   DR. KLEMENS: Which is the one
9
    that I'd like to call the Ashton mesh?
                    THE WITNESS (Centore): Yes.
10
11
                   DR. KLEMENS: The one that
12
    Phil promotes.
                    THE WITNESS (Centore): I wish
13
    he was here to talk about it.
14
15
                   DR. KLEMENS: Right, and he's
16
    not. And so you're saying we could have the
    Ashton mesh. We could have the best of both
17
18
    worlds. We could have Ashton anti-climb
    fence and could put a privacy screen behind
19
20
    it?
21
                    THE WITNESS (Centore):
                    Correct. It's also -- it's a
22
23
    fabric mesh that's -- that is somewhat
24
    translucent, but it does provide screening.
25
    It's like 98 percent translucent.
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1	DR. KLEMENS: Because those
2	slats, you know, being plastic, someone could
3	put their foot through it and be strong
4	enough and could end up with them climbing up
5	the two-inch mesh. So I don't know what the
6	rest of the Council thinks, but I think
7	you've given us a good solution of the Ashton
8	weave, or the Ashton mesh with the screening.
9	THE WITNESS (Centore): With
10	the screening.
11	THE CHAIRMAN: And my comment
12	would be perhaps at the D and M stage you
13	just maybe could illustrate both options and
14	we can finally decide, or you can give us if
15	you have a particular opinion about which one
16	you want to use?
17	THE WITNESS (Centore): We
18	could provide sheets for both materials if
19	you'd like.
20	THE CHAIRMAN: I would hate at
21	this point to make a predetermination without
22	having Mr. Ashton's input.
23	THE WITNESS (Centore): Right.
24	Okay.
25	THE CHAIRMAN: Attorney

1 Baldwin, anything else?

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MR. BALDWIN: We have nothing

3 further. Thank you, Mr. Chairman.

4 THE CHAIRMAN: Okay. So

5 before closing this hearing the Siting

6 Council announces that briefs and proposed

7 findings of fact may be filed with the

Council no later than October 15, 2015. The

9 submission of briefs or proposed findings of

10 fact are not required by the Council. Rather

11 we leave it to the choice of the party.

And again to repeat, anyone who has not become a party or intervener but who desires to make his or her views known to the Council may file written statements with the Council within 30 days of the date hereof. The Council will issue draft findings of fact and thereafter the party may identify errors or inconsistencies between

the Council's draft finding of fact and the

record, however no new information, no new

evidence or argument without our permission

23 | will be considered by the Council.

24 Again, copies of the

transcript of this hearing, including the

hearing that was held on this afternoon will be filed at the Danbury Town Clerk's office and the Bethel Town Clerk's office. And I would also like to particularly thank -- I'm sorry I don't have the gentleman's name, but the gentleman in the back who has been so helpful in -- thank you, sir -- in providing us with, and I guess with the community through your website, a video of these proceedings. And I hereby declare this hearing adjourned. And thank you all for your participation and drive home safely. (Whereupon, the witnesses were excused, and the above proceedings were adjourned at 7:14 p.m.) 

## 1 CERTIFICATE I hereby certify that the foregoing 16 2 pages are a complete and accurate computer-aided transcription of my original 3 verbatim notes taken of the Public Hearing 4 and Council Meeting in Re: DOCKET NO. 462, APPLICATION FROM CELLCO PARTNERSHIP D/B/A 5 VERIZON WIRELESS FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND 6 OPERATION OF A TELECOMMUNICATIONS FACILITY 7 LOCATED AT 15 GREAT PASTURE ROAD, DANBURY, CONNECTICUT, which was held before ROBIN 8 STEIN, Chairperson, at the Danbury City Hall, Council Chambers, 155 Deer Hill Avenue, 9 Danbury, Connecticut, Tuesday, September 15, 2015. 10 11 12 13 14 15 Robert G. Dixon, CVR-M 857 Notary Public, Court Reporter UNITED REPORTERS, INC. 16 90 Brainard Road, Suite 103 17 Hartford, Connecticut 06114 18 19 My Commission Expires: 6/30/2015 20 21 22 23 24

1	INDEX
2	WITNESSES ANTHONY BEFERA
3	MICHAEL LIBERTINE
4	DEAN GUSTAFSON
5	RYAN ULANDAY
6	ALEX TYURIN
7	CARLO F. CENTORE - Page 9
8	EXAMINATION
9	Mr. Perrone Page 11
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

	0:18	0:12,21,9,17,19	0:4,6,7,18,7,11,20,	else (1)
${f A}$	_	CHAIRMAN (10)	3,12,13,21,23,24,4,5,	0:1
	<b>B</b>	0:1,5,8,1,15,11,20,	12,25,6,6,8,10,15,16,	emissions (2)
ble (1)		25,3,4	17,23	0:13,14
0:22	Bachman (1)	Chestnut (1)	Council's (4)	end (1)
bove (1)	0:12	0:1	0:18,4,7,20	0:4
0:15	back (3)	choice (1)	couple (2)	Energy (1)
acceptable (1)	0:19,6,7	0:11	0:4,2	0:9
0:15	backside (1)	Citizen (1)		enough (1)
Act (4)	0:1	0:18	$\mathbf{D}$	0:4
0:24,9,11,19	BALDWIN (6)	City (1)		Environmental (2)
	0:8,6,7,9,1,2	0:17	d/b/a (2)	0:9,2
octually (1)	basically (1)	Clerk's (4)	0:3,25	equivalent (1)
0:12	0:23	0:17,18,2,3	Danbury (8)	0:21
dditional (1)	become (2)	climb (1)	0:5,17,11,11,4,5,7,2	erected (1)
0:13		0:22	data (1)	0:8
ndjourned (2)	0:24,13			
0:12,16	began (1)	climbing (1)	0:25	errors (1)
dministered (1)	0:16	0:4	date (4)	0:19
0:10	behind (3)	close (1)	0:5,11,12,16	<b>ESQ</b> (1)
Administrative (1)	0:21,1,19	0:25	days (2)	0:8
0:24	benefit (1)	closing (1)	0:12,16	evidence (1)
afternoon (6)	0:8	0:5	decide (1)	0:22
0:1,17,12,5,10,1	best (1)	COLE (1)	0:14	evidentiary (1)
ngain (3)	0:17	0:5	declare (1)	0:3
0:22,12,24	Bethel (2)	comment (3)	0:11	exactly (1)
, ,	0:17,3	0:10,1,11	Department (2)	0:4
alternative (1)	blanks (1)	Commission (1)	0:9.17	examined (1)
0:24	0:14	0:11	deposited (1)	0:25
amongst (1)	both (3)	Communication (2)	0:16	excused (1)
0:21		0:10,4		0:15
analyst (1)	0:17,13,18		designee (1)	
0:14	bottom (1)	community (1)	0:8	Executive (2)
announces (1)	0:3	0:9	desires (1)	0:12,24
0:6	briefs (2)	Compatibility (1)	0:14	exist (1)
antenna (4)	0:6,9	0:2	digital (1)	0:9
0:10,15,6,8	Brook (3)	compatible (1)	0:18	existing (1)
anti-climb (1)	0:1,1,20	0:6	Director (2)	0:12
0:18	brooks (1)	compete (1)	0:13,25	extent (1)
appears (1)	0:25	0:24	discriminating (1)	0:14
0:24		compound (1)	0:20	
	C	0:3	displayed (1)	$\mathbf{F}$
Applicant (3)		conducted (1)	0:21	-
0:1,8,10	as II (2)	0:13	dominate (1)	fabric (1)
Application (5)	call (2)	Connecticut (4)		
0:25,6,8,2,6	0:2,9		0:11	0:23
area (7)	can (5)	0:7,3,23,6	done (1)	facilities (2)
0:23,25,22,8,13,19,	0:23,8,4,14,14	consideration (1)	0:17	0:11,16
20	carrier (1)	0:25	<b>Dr</b> (10)	Facility (2)
argument (1)	0:22	considered (1)	0:10,15,16,20,23,4,	0:4,10
0:22	carriers (1)	0:23	8,11,15,1	fact (5)
Ashton (5)	0:24	considering (1)	draft (2)	0:5,7,10,18,20
0:9,17,18,7,8	cases (1)	0:12	0:17,20	fastened (2)
Ashton's (1)	0:20	Construction (1)	drive (1)	0:1,3
0:22	CELLCO (2)	0:3	0:13	Federal (3)
	0:3,25	contact (1)	during (1)	0:10,15,19
assignments (1)	centerline (3)	0:11	0:10	feet (2)
0:9		continuation (1)	0.10	0:6,8
associated (3)	0:15,6,8	0:15	$\mathbf{E}$	
0:25,10,13	Centore (12)		L	fence (7)
Attorney (4)	0:10,11,18,21,2,6,	convenience (1)	. (2)	0:3,12,12,1,7,17,1
0:12,13,5,25	10,13,21,9,17,23	0:18	east (2)	field (1)
August (1)	Certificate (1)	Copies (2)	0:17,20	0:14
0:6	0:1	0:17,24	effect (1)	<b>file</b> (1)
available (4)	chain (1)	corner (1)	0:20	0:15
0:19,19,8,11	0:2	0:11	effects (2)	filed (2)
0:19,19,8,11 away (1)	chain-link (5)	Council (25)	0:12,15	0:7,2
awaviii		()	,	- · · · , -

filing (1)		into (1)	Main (1)	note (1)
0:2	TT	0:19	0:7	0:7
ill (1)	H	introduction (1)	Maintenance (1)	notice (2)
0:14				
	Hannon (1)	0:18	0:3	0:1,4
nally (1)	0:8	issue (2)	making (1)	
0:14	Hartford (1)	0:14,17	0:22	О
nding (1)	0:7	items (2)	material (1)	
0:20	hate (1)	0:4,8	0:25	oaths (1)
ndings (3)	0:20		materials (1)	0:1
0:7,9,18	health (3)	J	0:18	observe (2)
rst (2)	0:12,13,18		may (5)	0:15,22
0:9,17		join (1)	0:22,11,7,15,18	October (1)
rsthand (1)	hearing (15)	0:9	maybe (1)	0:8
0:15	0:3,16,17,21,5,10,	July (3)	0:13	off (1)
	17,14,16,23,1,5,25,1,			
t (1)	12	0:7,3,3	means (2)	0:3
0:14	heights (2)	<b>T</b> 7	0:22,17	office (4)
oodplain (1)	0:10,15	K	Melanie (1)	0:17,18,2,3
0:2	held (2)		0:12	one (4)
llowed (1)	0:21,1	Ken (1)	member (3)	0:22,8,11,15
0:17	helpful (1)	0:3	0:20,4,5	ones (1)
llows (1)	0:7	KENNETH (1)	members (6)	0:10
0:1		0:8	0:7,11,12,21,23,24	open (3)
llowup (1)	hereby (1)	kind (1)	merits (1)	0:11,23,23
0:4	0:11	0:11	0:5	<b>Operation (1)</b>
	hereof (2)			
oot (1)	0:12,17	Klemens (10)	mesh (16)	0:4
0:3	home (1)	0:10,15,16,20,23,4,	0:4,13,14,18,21,25,	opinion (1)
requency (1)	0:13	8,11,15,1	5,17,19,25,5,9,17,23,	0:15
0:13	homework (1)	known (3)	5,8	option (1)
riends (1)	0:9	0:14,19,14	Michael (1)	0:17
0:9	Hospital (1)		0:13	options (3)
unctionally (1)	0:5	$\mathbf{L}$	mile (1)	0:9,16,13
0:21		_	0:18	order (3)
o.21 orther (1)	human (1)	ladies (1)	minimum (1)	0:3,14,14
0:3	0:13	0:2	0:13	others (1)
0.3	_			
C	I	later (1)	more (1)	0:7
$\mathbf{G}$		0:8	0:24	outside (1)
	identified (1)	law (1)	moving (1)	0:12
eneral (1)	0:3	0:6	0:17	owned (2)
0:23	identify (1)	leave (1)	much (1)	0:5,9
entleman (1)	0:19	0:11	0:24	
0:6	illustrate (1)	legal (1)	multitude (1)	P
entleman's (1)	` '	0:4	0:21	
0:6	0:13	Libertine (2)	municipal (2)	parcels (2)
entlemen (1)	inch (6)	0:12,15	0:23,23	
	0:13,10,19,20,25,6		*	0:15,21
0:2	inch-and-a-quarter (5)	limit (1)	municipally (2)	Park (2)
ets (1)	0:4,12,14,19,4	0:16	0:5,9	0:13,14
0:3	including (1)	link (1)	myself (1)	part (1)
IS (1)	0:25	0:2	0:10	0:24
0:25	inconsistencies (1)	LLP (1)		participate (1)
iven (2)	0:19	0:5	N	0:2
0:13,7	inform (1)	Located (1)		participation (1)
ives (1)	0:9	0:5	name (3)	0:13
0:20		location (1)	0:5,9,6	particular (1)
ood (3)	information (7)	0:11	Need (1)	0:15
	0:11,13,18,20,6,24,			
0:1,20,7	21	looks (1)	0:2	particularly (1)
overned (1)	input (1)	0:20	neighbors (1)	0:5
0:8	0:22	lot (1)	0:9	parties (2)
reat (1)	installations (1)	0:3	new (2)	0:20,23
0:5	0:12		0:21,21	PARTNERSHIP (2)
uess (2)	instrument (1)	M	News (2)	0:3,25
0:3,8			0:3,6	party (3)
uide (1)	0:7	Ma'am (1)	normal (2)	0:11,13,18
	intervener (1)	1 <b>VI</b>		
0:18	0:13	0:21	0:17,19	Pasture (1)

verizon vvireless				september 10, 2010
0:5	provisions (1)	ROBINSON (1)	23,10,1,2	talk (1)
percent (1)	0:22	0:5	smaller (3)	0:14
0:25	public (12)	Rogers (1)	0:15,21,4	<b>Telecommunication (2)</b>
perhaps (1)	0:16,20,2,17,9,18,	0:13	solution (1)	0:4,9
0:12	21,10,19,20,24,1	rooftop (1)	0:7	Terryville (1)
permission (1)	publicly (1)	0:12	someone (1)	0:14
0:22		0.12	0:2	
	0:19	S		testified (1)
Perone (5)	published (2)	S	somewhat (1)	0:25
0:13,1,2,8,13	0:1,5		0:23	thereafter (1)
personally (1)	pursuant (1)	safe (1)	sorry (1)	0:18
0:13	0:21	0:15	0:5	three (1)
Phil (1)	put (2)	safely (1)	sorts (1)	0:18
0:12	0:19,3	0:13	0:2	Times (2)
plastic (1)	putting (1)	same (3)	south (2)	0:3,6
0:2	0:1	0:25,14,20	0:12,24	Title (1)
pm (3)	0.1	saying (2)	southwest (2)	0:22
0:5,16,16	Q		0:10,11	today (1)
	Q	0:24,16		
point (1)		scont'd (1)	space (3)	0:4
0:21	quarter (3)	0:1	0:11,23,23	together (2)
potential (1)	0:7,10,7	screen (1)	spoken (1)	0:16,22
0:15	quarters (1)	0:19	0:14	tonight (1)
predetermination (1)	0:18	screening (5)	staff (4)	0:17
0:21		0:2,5,24,8,10	0:11,13,13,5	took (1)
present (3)	R	seeing (1)	stage (1)	0:9
0:8,11,23		$-\frac{3\text{ceng}(1)}{0.23}$	0:12	top (1)
presented (1)	radio (1)	seems (1)	standard (1)	0:3
0:19		0:21	0:25	
	0:12			towers (1)
previously (1)	rail (1)	send (1)	standards (2)	0:15
0:24	0:3	0:11	0:16,16	Town (3)
privacy (6)	Rather (1)	September (1)	start (1)	0:18,2,3
0:5,6,11,9,1,19	0:10	0:4	0:19	transcript (2)
probably (1)	recalled (1)	service (2)	State (1)	0:15,25
0:17	0:23	0:23,25	0:17	translucent (2)
Procedure (1)	received (1)	services (1)	statement (1)	0:24,25
0:24	0:6	0:22	0:25	Trumbull (1)
procedures (1)	record (4)	session (5)	statements (8)	0:6
0:19	0:19,24,3,21	0:17,10,1,3,11	0:19,19,22,23,11,	Tuesday (1)
proceedings (2)	regarding (4)	several (2)	13,20,15	0:4
0:10,15	0:10,11,13,3	0:9,15	Statutes (1)	two (7)
program (1)	reminder (1)	shading (1)	0:23	0:8,25,13,16,19,20,
0:17	0:3	0:6	Stein (1)	24
prohibited (1)	repeat (1)	sheet (1)	0:5	two-inch (3)
0:6	0:12	0:1	Street (2)	0:18,9,5
prohibits (2)	request (1)	sheets (1)	0:6,7	two-mile (1)
0:11,19	0:7	0:18	strong (1)	0:12
promotes (1)	required (1)	shown (1)	0:3	type (1)
0:12	0:10	0:22	strung (2)	0:10
proposal (1)	reserved (1)	sign (1)	0:15,22	0.10
			*	U
0:16	0:18	0:8	study (2)	U
proposed (6)	respect (1)	sign-up (1)	0:7,12	
0:8,14,5,6,6,9	0:14	0:1	subject (2)	Ulanday (2)
Protection (1)	rest (1)	similarly (1)	0:20,12	0:13,2
0:10	0:6	0:8	submission (1)	unable (1)
provide (4)	resume (1)	simply (1)	0:9	0:9
0:25,5,24,18	0:2	0:2	Swamp (1)	undefined (1)
provided (1)	review (1)	site (6)	0:20	0:3
0:24	0:14	0:9,14,4,12,24,19	sworn (1)	underlying (1)
providers (1)	right (3)	Siting (5)	0:24	0:25
0:21	0:24,15,23	0:3,6,14,18,5	Sympaug (1)	Unfortunately (3)
provides (1)	Road (1)	size (4)	0:1	0:22,2,23
0:23	0:5	0:5,8,13,9		Uniform (1)
providing (1)	Robin (1)	slats (10)	T	0:24
0:8	0:5	0:5,6,11,15,15,19,		up (2)
		, , , , , , ,		* ` `

0:4.4 upon (3) 0:24,7,5 use (2) 0:18,16 used (1) 0:4  V  11(1) 0:4  V  15(3) 0:45,8  156 (2) 0:45,8  156 (2) 0:5,6 16 (1) 0:10 0:10 video (1) 0:14  Verizon's (1) 0:14  Verizon's (1) 0:14  0:14  Weave (1) 0:8 website (1) 0:9 weight (1) 0:14 0:14 0:14 0:14 0:14 0:14 0:14 0:10 0:10	
upon (3)     1       0:24,7,5     1(1)       use (2)     1(1)       0:18,16     0:3       used (1)     12 (1)       0:4     0:6       V       156 (2)       verbatim (1)     0:4,5,8       156 (2)     0:2.5       verbatim (1)     0:5,6       0:15     16 (1)       VERIZON (2)     0:22       0:3,1     1996 (1)       0:10     0:9       video (1)     0:9       views (1)     0:4       0:14     0:4,7,4,6,8       weave (1)     0:6       0:8     webstite (1)       0:9     0:6       weight (1)     3 (3)       0:14     0:16,11,7       west (1)     0:00       0:10     0:16,11,7       west (1)     0:10,11,7,16       what's (3)     0:21,14,16       Whereupon (1)     6	
0:24,7,5       use (2)     1 (1)       0:18,16     0:3       used (1)     12 (1)       0:4     0:6       V     15 (3)       0:45,8     156 (2)       verbatim (1)     0:5,6       0:15     16 (1)       VERIZON (2)     0:22       0:3,1     1996 (1)       Verizon's (1)     0:9       0:11     0:9       views (1)     0:4       0:14     0:4       weste (1)     0:6       0:8     280 (1)       website (1)     0:6       0:9     3 (3)       weight (1)     0:16,11,7       0:10     30 (3)       0:10     0:10,11,7       west (1)     0:00       0:1,14,16     0:12,7,16       Whereupon (1)     6	
use (2)     0:18,16     0:3       used (1)     12 (1)     0:6       V     15 (3)     0:4,5,8       verbatim (1)     0:5,6     0:5,6       0:15     16 (1)     0:22       0:3,1     1996 (1)     0:22       0:3,1     1996 (1)     0:9       Verizon's (1)     0:9     0:10       views (1)     0:4     0:4       0:14     0:4     0:4       weave (1)     0:6     0:6       0:8     0:6     0:6       website (1)     0:6     0:6       weight (1)     0:16,11,7     0:16,11,7       west (1)     0:10,11,7     0:16,11,7       west (1)     0:10,11,7     0:10,11,7       what's (3)     0:12,7,16     0:12,7,16       Whereupon (1)     6	
0:18,16 used (1) 0:4  V  0:3  V  15 (3) 0:4,5,8  156 (2) 0:5,6  16 (1) 0:15  VERIZON (2) 0:3,1 1996 (1) 0:9  0:10 views (1) 0:14  V  0:4  V  0:6   3  0:3  12 (1) 0:6  15 (3) 0:4,5,8  156 (2) 0:5,6  16 (1) 0:22 0:3,1 1996 (1) 0:9  0:11 video (1) 0:9  0:10 0:10 0:10 0:14  0:4  2015 (5) 0:4,7,4,6,8 280 (1) 0:6  West (1) 0:9  weight (1) 0:9  weight (1) 0:14 0:16,11,7 west (1) 0:10 what's (3) 0:21,14,16 Whereupon (1)  0:2  0:3  0:4  0:16,11,7  0:16,11,7  0:16  0:12,7,16  0:12,7,16	
used (1)     12 (1)       0:4     15 (3)       verbatim (1)     0:4,5,8       0:15     15 (6)       VERIZON (2)     0:5,6       0:3,1     1996 (1)       Verizon's (1)     0:9       0:11     0:9       video (1)     2       0:10     0:4       views (1)     0:4       0:14     0:4       weave (1)     0:6       0:9     280 (1)       weight (1)     0:6       0:14     0:16,11,7       west (1)     0:14       west (1)     0:10,14       west (1)     0:10,17       0:10     0:12,7,16       what's (3)     0:21,14,16       Whereupon (1)     6	
0:4  V  15 (3) 0:4,5,8  156 (2) 0:5,6 0:15 16 (1) 0:22 0:3,1 0:99  weave (1) 0:8  weave (1) 0:9  weight (1) 0:9  weight (1) 0:14  0:9  weight (1) 0:14  0:9  weight (1) 0:14  0:14  0:9  weight (1) 0:14  0:14  0:9  weight (1) 0:14  0:14	
V 15 (3) 0:4,5,8 156 (2) 0:5,6 0:15 16 (1) 0:22 0:3,1 1996 (1) 0:9 0:10 views (1) 0:14	
verbatim (1) 0:15 VERIZON (2) 0:3,1 Verizon's (1) 0:10 video (1) 0:14   weave (1) 0:8  website (1) 0:9  weight (1) 0:14  west (1) 0:14  west (1) 0:19  weight (1) 0:10  what's (3) 0:21,14,16 Whereupon (1)	
verbatim (1) 0:15 0:15 0:16 (2) 0:5,6 16 (1) 0:22 0:3,1 1996 (1) 0:10 video (1) 0:10 views (1) 0:14   W  2015 (5) 0:4,7,4,6,8 280 (1) 0:9 website (1) 0:9 weight (1) 0:14 0:14 0:14 0:14 0:16 0:9 website (1) 0:9 weight (1) 0:10 0:14 0:14 0:16,11,7 west (1) 0:10 what's (3) 0:21,14,16 Whereupon (1)	
verbatim (1)     0:5,6       0:15     16 (1)       VERIZON (2)     0:22       0:3,1     1996 (1)       Verizon's (1)     0:9       0:11     0:9       views (1)     2 (1)       0:14     0:4       2015 (5)     0:4,7,4,6,8       280 (1)     0:6       website (1)     0:6       0:9     3       weight (1)     0:16,11,7       0:10     0:16,11,7       what's (3)     0:12,7,16       0:21,14,16     6       Whereupon (1)     6	
0:15 VERIZON (2) 0:3,1 0:22 1996 (1) 0:9  video (1) 0:10 views (1) 0:14   W  2 (1) 0:4,7,4,6,8 280 (1) 0:8 website (1) 0:9  weight (1) 0:14 0:14 0:14 0:6  Weight (1) 0:14 0:16,11,7 west (1) 0:10 what's (3) 0:21,14,16 Whereupon (1)	
VERIZON (2)       0:22         0:3,1       1996 (1)         Verizon's (1)       0:9         0:11       2         video (1)       0:4         0:14       0:4         2015 (5)       0:4,7,4,6,8         280 (1)       0:6         website (1)       0:6         0:9       3         weight (1)       0:16,11,7         0:10       0:16,11,7         what's (3)       0:12,7,16         0:21,14,16       6         Whereupon (1)       6	
0:3,1 Verizon's (1) 0:11 video (1) 0:10 views (1) 0:14  W  2 (1) 0:4  2 (1) 0:4  2 (1) 0:4  2 (21) 0:4  2 (21) 0:4,7,4,6,8  280 (1) 0:6  Website (1) 0:9  weight (1) 0:14 0:14 0:16,11,7 west (1) 0:10 what's (3) 0:21,14,16 Whereupon (1)  1996 (1) 0:9  2  2 (1) 0:4  2015 (5) 0:4,7,4,6,8  280 (1) 0:6  3 (3) 0:16,11,7 30 (3) 0:12,7,16  6	
Verizon's (1) 0:11 video (1) 0:10 views (1) 0:14   W  2 (1) 0:4  2015 (5) 0:4,7,4,6,8  280 (1) 0:6  Weest (1) 0:9  weight (1) 0:14  0:16,11,7  west (1) 0:10 0:10 0:10 0:21,14,16 Whereupon (1)	
0:11 video (1) 0:10 views (1) 0:14  W  2015 (5) 0:4,7,4,6,8  280 (1) 0:6  Weeste (1) 0:9 weight (1) 0:14 west (1) 0:10 what's (3) 0:21,14,16 Whereupon (1)  2  3  0:10  0:4  2015 (5) 0:4,7,4,6,8  280 (1) 0:6  3  0:16,11,7 30 (3) 0:12,7,16  6	
video (1)     2       0:10     2       views (1)     0:4       0:14     2015 (5)       0:4,7,4,6,8     280 (1)       0:8     280 (1)       website (1)     0:6       0:9     3       weight (1)     0:14,17,7       0:14     0:16,11,7       west (1)     0:16,11,7       0:10     0:12,7,16       what's (3)     0:12,7,16       0:21,14,16     6       Whereupon (1)     6	
0:10 views (1) 0:14  W  2 (1) 0:4  2015 (5) 0:4,7,4,6,8  280 (1) 0:6  website (1) 0:9 weight (1) 0:14 west (1) 0:10 what's (3) 0:21,14,16 Whereupon (1)  2 (1) 0:4  2015 (5) 0:4,7,4,6,8  280 (1) 0:6  3 0:6  0:10 0:10 0:10 0:10 0:12,7,16  6	
views (1)     2 (1)       0:14     0:4       2015 (5)     0:4,7,4,6,8       280 (1)     0:6       website (1)     3       0:9     3       weight (1)     3 (3)       0:14     0:16,11,7       west (1)     30 (3)       0:10     0:12,7,16       what's (3)     0:21,14,16       Whereupon (1)     6	
0:14     0:4       W     2015 (5)       0:4,7,4,6,8     280 (1)       0:8     0:6       website (1)     3       0:9     3 (3)       weight (1)     0:16,11,7       0:14     0:16,11,7       west (1)     0:10       what's (3)     0:12,7,16       0:21,14,16     6       Whereupon (1)     6	
W     2015 (5)       0:4,7,4,6,8     280 (1)       0:8     0:6       website (1)     0:6       0:9     3       weight (1)     0:16,11,7       0:10     0:16,11,7       what's (3)     0:12,7,16       Whereupon (1)     6	
W     0:4,7,4,6,8       280 (1)     0:6       website (1)     3       0:9     3       weight (1)     3 (3)       0:14     0:16,11,7       west (1)     30 (3)       0:10     0:12,7,16       what's (3)     0:21,14,16       Whereupon (1)     6	
weave (1)       0:6         0:8       0:6         website (1)       3         0:9       3 (3)         weight (1)       0:16,11,7         0:10       0:16,11,7         what's (3)       0:12,7,16         Whereupon (1)       6	
weave (1) 0:8  website (1) 0:9  weight (1) 0:14 0:16,11,7  west (1) 0:10 what's (3) 0:21,14,16 Whereupon (1)  0:6  3  0:16  3  0:16,11,7  30 (3) 0:12,7,16  6	
0:8 website (1) 0:9 weight (1) 0:14 0:16,11,7 west (1) 0:10 what's (3) 0:21,14,16 Whereupon (1)  3 3 (3) 0:16,11,7 30 (3) 0:12,7,16  6	
0:9 weight (1) 0:14 0:16,11,7 west (1) 0:10 what's (3) 0:21,14,16 Whereupon (1)  3 (3) 0:16,11,7 30 (3) 0:12,7,16  6	
weight (1)     3 (3)       0:14     0:16,11,7       west (1)     30 (3)       0:10     0:12,7,16       what's (3)     0:21,14,16       Whereupon (1)     6	
0:14  west (1) 0:10 0:10 what's (3) 0:21,14,16 Whereupon (1)  0:16,11,7 30 (3) 0:12,7,16  6	
west (1) 0:10 what's (3) 0:21,14,16 Whereupon (1)  0:10,11,7 30 (3) 0:12,7,16 6	
0:10 what's (3) 0:21,14,16 Whereupon (1)  0:12,7,16  6	
what's (3) 0:21,14,16 Whereupon (1)  6  6	
0:21,14,16 <b>Whereupon (1)</b>	
Whereupon (1)	
0.14	
0:14 wildlife (2) 63 (1) 0:8	
0:14,20	
WIRELESS (2) 7	
0:4,1	
wish $(2)$ $7(2)$	
0.7,13 $0.5,7$	
wishes (1) 7:14 (1)	
0.24 $0.16$	
within (4)	
0:15,12,7,16	
without (2)	
0:21,22 WITNESS (14) 98 (1)	
WITNESS (14) 0:25	
0:2,15,10,11,18,21, 2,6,10,13,21,9,17,23	
z,0,10,13,21,9,17,23 witnesses (2)	
0:23,14	
words (1)	
0:7	
worlds (1)	
0:18	
written (3)	
0:11,13,15	
0	
06103-3597 (1)	
0:7	