

**In The Matter Of:**  
*Homeland Towers, LLC and Cellco Partnership \*

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*PUBLIC HEARING*  
*August 2, 2016*

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*BCT Reporting LLC*  
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STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

Docket No. 467

Homeland Towers, LLC and Cellco Partnership  
d/b/a Verizon Wireless application for a  
Certificate of Environmental Compatibility and  
Public Need for the construction, maintenance, and  
operation of a telecommunications facility located  
at 100 Pocono Road, Brookfield, Connecticut

Public Hearing held at the Brookfield Town  
Hall, Room 133, 100 Pocono Road, Brookfield,  
Connecticut, on Tuesday, August 2, 2016, beginning  
at 3:01 p.m.

H e l d   B e f o r e :

ROBERT STEIN, Chairman

1    A p p e a r a n c e s :

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    Council Members:

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        PHILIP T. ASHTON

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        ROBERT HANNON

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        MICHAEL HARDER

7

        DR. MICHAEL W. KLEMENS

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        LARRY LEVESQUE, ESQ.

9

        DANIEL P. LYNCH, JR.

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11

    Council Staff:

12

        MELANIE BACHMAN, ESQ.

13

        Executive Director and

14

        Staff Attorney

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16

        ROBERT MERCIER

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        Siting Analyst

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    For Homeland Towers, LLC and Cellco

20

    Partnership d/b/a Verizon Wireless:

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        ROBINSON & COLE LLP

22

        280 Trumbull Street

23

        Hartford, Connecticut 06103-3597

24

        BY: KENNETH C. BALDWIN, ESQ.

25

1           THE CHAIRMAN: Good afternoon, ladies  
2 and gentlemen. I call to order a meeting of the  
3 Connecticut Siting Council today, Tuesday, August  
4 2, 2016 at 3 p.m. My name is Robin Stein. I'm  
5 chairman of the Connecticut Siting Council.

6           Other members of the Council who are  
7 present: Mr. Hannon, designee from the Department  
8 of Energy and Environmental Protection, Mr.  
9 Levesque, designee from the Public Utilities  
10 Regulatory Authority, Mr. Ashton, Dr. Klemens,  
11 Mr. Harder and Mr. Lynch. Members of the staff  
12 present are Executive Director Melanie Bachman and  
13 also Robert Mercier, our siting analyst.

14           This hearing is held pursuant to the  
15 provisions of Title 16 of the Connecticut General  
16 Statutes and of the Uniform Administrative  
17 Procedure Act upon an application from Homeland  
18 Towers, LLC and Cellco Partnership d/b/a Verizon  
19 Wireless for a Certificate of Environmental  
20 Compatibility and Public Need for the  
21 construction, maintenance, and operation of a  
22 telecommunications facility located at 100 Pocono  
23 Road, Brookfield, Connecticut. This application  
24 was received by the Council on June 6, 2016.

25           As a reminder to all, off-the-record

1 communication with a member of the Council or a  
2 member of the Council staff upon the merits of  
3 this application is prohibited by law.

4           The parties of the proceeding in this  
5 case is the applicant, and Attorney Baldwin is  
6 representing Homeland Towers.

7           We will proceed in accordance with the  
8 prepared agenda, copies of which are available to  
9 my right near the door. Also available are copies  
10 of the Council's Citizens Guide to Siting Council  
11 Procedures. At the end of the afternoon  
12 evidentiary session, we will recess and resume  
13 again at 7 p.m. for the public comment session.

14           The 7 p.m. public comment session will  
15 be reserved for the public to make brief oral  
16 statements into the record. I wish to note for  
17 those who are here and for the benefit of your  
18 friends and neighbors who are unable to join us  
19 for the public comment session, that you or they  
20 may send written statements to the Council within  
21 30 days of the date hereof; and such written  
22 statements will be given the same weight as if  
23 spoken at the hearing.

24           A verbatim transcript will be made of  
25 this hearing and deposited with the town clerk's

1 office in Brookfield for the convenience of the  
2 public.

3 I'd like to start off by asking if the  
4 First Selectman, Mr. Dunn, would like to comment?

5 STEPHEN DUNN: I'm Steve Dunn. I'm the  
6 first selectman of Brookfield, Connecticut. I'm  
7 here on behalf of the Town of Brookfield.

8 The Town of Brookfield is in favor of  
9 this application. It will help us with our fire  
10 and police. We'll get a radio mast at the top of  
11 the cell tower for both of our fire and police.  
12 It's something we've been looking forward to since  
13 we began these discussions a couple of years ago.  
14 And we think overall it would be a very very good  
15 thing for all the residents of our town.

16 So I thank you for coming. I thank you  
17 for seeing us and moving forward with this. Thank  
18 you very much.

19 THE CHAIRMAN: Thank you.

20 Am I also correct that the fire marshal  
21 would also like to speak?

22 WAYNE GRAVIUS: My name is Wayne  
23 Gravius, chief of the fire department. We're just  
24 here to support it. We think it will be a great  
25 improvement to what we have. We're just looking

1 forward to getting it done and start using it.  
2 Nobody had any questions from the fire department.  
3 They are all aware of what's going on, and we all  
4 support it.

5 THE CHAIRMAN: Thank you.

6 Any other public official wish to  
7 speak?

8 JAMES PURCELL: I'm Major James Purcell  
9 with the police department. I manage the town's  
10 emergency communications center.

11 We've been working with Homeland Towers  
12 since they originally proposed placing the tower  
13 in the back of the firehouse over at 100 Pocono  
14 Road. The tower position placement and so forth  
15 will greatly facilitate us as we move from analog  
16 to digital communications. It will also  
17 facilitate us with microwave communication from  
18 our station to the tower and to the transmitter on  
19 Carmen Hill Road. We currently don't have a good  
20 site line on that right now, and this would  
21 facilitate that.

22 So we're very much in favor of the  
23 tower position and what it offers us in terms of  
24 improving our communications townwide, both  
25 police, fire, ambulance and public works, and we

1 hope to add our schools as well. And so the  
2 position of that tower will enable us to do that  
3 as well as provide a back-up transmitter site. We  
4 have a transmitter on Carmen Hill Road now. We're  
5 off the top of the firehouse building, a much  
6 lower position, less effective. This would be far  
7 more effective. So we're in favor of it.

8 THE CHAIRMAN: Thank you. If there is  
9 no other public comment, I'd like to call your  
10 attention to those items shown on the hearing  
11 program marked as Roman Numeral ID, Items 1  
12 through 67.

13 Does the applicant have any objection  
14 to the items that the Council has administratively  
15 noticed?

16 MR. BALDWIN: No, Mr. Chairman.

17 THE CHAIRMAN: Accordingly, the Council  
18 hereby administratively notices these existing  
19 documents, statements and comments.

20 And now, Attorney Baldwin, will you  
21 present your witness panel for the purposes of  
22 taking the oath?

23 MR. BALDWIN: Yes, Mr. Chairman. Good  
24 afternoon. Our witness panel today consists of  
25 four members. To my left and your right is Mike



1 Libertine with All-Points Technology Corporation.  
2 To my immediate left is Maria Montrose, a radio  
3 frequency engineer with Verizon Wireless, a new  
4 face for the Council, but Maria has been doing  
5 this for quite sometime, as long as I can  
6 remember. To my right is Ray Vergati. Ray is  
7 with Homeland Towers, as you know. And then to  
8 Ray's right is Bob Burns, also with All-Points  
9 Technology, our professional engineer from the  
10 project. I would offer them to be sworn at this  
11 time, Mr. Chairman.

12 THE CHAIRMAN: Please rise for swearing  
13 in.

14 R O B E R T C. B U R N S,  
15 M I C H A E L L I B E R T I N E,  
16 M A R I A M O N T R O S E,  
17 R A Y M O N D V E R G A T I,

18 called as witnesses, being first duly sworn  
19 by Ms. Bachman, were examined and testified  
20 on their oaths as follows:

21 MR. BALDWIN: Mr. Chairman, we have  
22 four exhibits to offer this afternoon, and they're  
23 listed in the hearing program under Roman II,  
24 Subsection B, Items 1 through 4. They include the  
25 application itself with the associated bulk file

1 exhibits; our signed posting affidavit; our  
2 responses to the Council's interrogatories; and  
3 most recently filed last week, our affidavit of  
4 publication regarding the notice of our intent to  
5 file the application here in Brookfield. And I  
6 offer them for identification purposes at this  
7 time, subject to verification by my witnesses.

8           So if I could ask the witnesses, did  
9 you prepare or assist in the preparation of the  
10 exhibits listed in the hearing program under Roman  
11 II, B, Items 1 through 4. Mr. Libertine?

12           THE WITNESS (Libertine): Yes, I did.

13           MR. BALDWIN: Ms. Montrose?

14           THE WITNESS (Montrose): Yes, I did.

15           MR. BALDWIN: Mr. Vergati?

16           THE WITNESS (Vergati): Yes, I did.

17           MR. BALDWIN: Mr. Burns?

18           THE WITNESS (Burns): Yes, I did.

19           MR. BALDWIN: And do you have any  
20 corrections, modifications or amendments to offer  
21 to any of those exhibits at this time?

22           Mr. Libertine?

23           THE WITNESS (Libertine): No.

24           MR. BALDWIN: Ms. Montrose?

25           THE WITNESS (Montrose): No.

1 MR. BALDWIN: Mr. Vergati?

2 THE WITNESS (Vergati): I do not.

3 MR. BALDWIN: Mr. Burns?

4 THE WITNESS (Burns): No.

5 MR. BALDWIN: And is the information  
6 contained in those exhibits true and accurate to  
7 the best of your knowledge? Mr. Libertine?

8 THE WITNESS (Libertine): Yes.

9 MR. BALDWIN: Ms. Montrose?

10 THE WITNESS (Montrose): Yes, it is.

11 MR. BALDWIN: Mr. Vergati?

12 THE WITNESS (Vergati): Yes, it is.

13 MR. BALDWIN: Mr. Burns?

14 THE WITNESS (Burns): Yes, it is.

15 MR. BALDWIN: And do you adopt the  
16 information in those exhibits as your testimony  
17 today? Mr. Libertine?

18 THE WITNESS (Libertine): I do.

19 MR. BALDWIN: Ms. Montrose?

20 THE WITNESS (Montrose): I do.

21 MR. BALDWIN: Mr. Vergati?

22 THE WITNESS (Vergati): I do.

23 MR. BALDWIN: Mr. Burns?

24 THE WITNESS (Burns): I do.

25 MR. BALDWIN: Mr. Chairman, I offer

1 them as full exhibits.

2 THE CHAIRMAN: We don't have any party  
3 or intervenor to object, so the exhibits are  
4 admitted.

5 (Applicant's Exhibits II-B-1-4:  
6 Received in evidence - described in index.)

7 THE CHAIRMAN: And we'll now begin  
8 cross-examination with Mr. Mercier. Staff.

9 CROSS-EXAMINATION

10 MR. MERCIER: Thank you. I'll just  
11 begin with some of the items that we discussed  
12 today on the field review. I guess one of the  
13 items that was discussed was the distance to the  
14 nearest property line, I believe, Mr. Burns, you  
15 stated was 128 feet, which was stated on one of  
16 the plans included in the application. Another  
17 plan on the application does show a distance of  
18 146 feet. So I was just wondering if you could  
19 clarify why does the abutter's map list it a  
20 little bit farther away from the nearest property  
21 line. So I just want to make sure.

22 THE WITNESS (Burns): The nearest  
23 property line to the tower, it's 128 feet from the  
24 tower to the property to the south, and the fence  
25 is 100 feet from that property line.

1           MR. MERCIER: Now, at the field review  
2 you mentioned a 100-foot restriction. Can you  
3 just mention what the -- was that a town  
4 requirement to have 100 feet from the nearest  
5 property line before the fence, or is that  
6 something Homeland came up with?

7           THE WITNESS (Vergati): It's something  
8 that Homeland had uncovered when we completed our  
9 title search on the property. I believe that  
10 corner house, possibly on the address of 88 Pocono  
11 Road, may have deeded this land to the town or  
12 sold it to the town, and there's a restriction of  
13 100-foot setback of any structures from the  
14 property line. So when we designed the tower, we  
15 wanted to make sure that we were in compliance  
16 with that setback.

17           MR. MERCIER: There was also discussion  
18 as to why the location within the materials  
19 storage area, I'll call it, for the town was  
20 selected, maybe not another area farther away from  
21 the property, the abutting property at 88. Would  
22 you please discuss that?

23           THE WITNESS (Vergati): Yes. Ray with  
24 Homeland Towers. In my initial discussions and  
25 meetings with the town going back as far as

1 November of 2011 and meeting with many town  
2 officials at the site, prior First Selectman Bill  
3 Davidson, the police, fire and EMS, we looked at  
4 the DPW yard which made the most sense for the  
5 town's location as well. We did not want to go  
6 further north toward existing athletic fields.  
7 And the town felt, as well as Homeland, and  
8 looking at it from the siting perspective, we felt  
9 this was the most appropriate place. We have very  
10 good setbacks and screening with the tower being  
11 in the existing yard that's there right now.

12 MR. MERCIER: Is there any thought  
13 moving it further west -- I'm not sure what that  
14 part of the property is used for -- towards the  
15 Route 7 corridor?

16 THE WITNESS (Vergati): We've had that  
17 discussion with the town, and I've spoken to Ralph  
18 Tedesco in charge of public works. And Ralph has  
19 stated where we are currently tucked in the corner  
20 is the best location for their operations. The  
21 town has I believe leaf drop off and debris that  
22 they use that part of the west side of the  
23 property more actively for the truck turnarounds  
24 and for storage and pilings.

25 MR. MERCIER: Okay. So that area

1 further west is not vacant, it's actually used for  
2 other town operations?

3 THE WITNESS (Vergati): It is. As a  
4 matter of fact, when we were at the site visit  
5 today I noticed a car pulling in and dumping off  
6 some type of leaf or some type of debris there.

7 MR. MERCIER: At the field review there  
8 was also discussed that a propane generator would  
9 be installed with the associated tank. I just saw  
10 in Interrogatory 11 you mention a diesel  
11 generator. Would you please clarify what type of  
12 emergency power will be used at the site?

13 THE WITNESS (Burns): The generator  
14 that Verizon is using on site will be a 10-kW  
15 propane-fired generator.

16 THE CHAIRMAN: A question from  
17 Mr. Lynch.

18 MR. LYNCH: Just one quick question to  
19 get out of the way, Mr. Vergati. In the past when  
20 you've used propane you've had 1,000-gallon tank.  
21 Now it's down to 500. Is there any reason for  
22 that?

23 THE WITNESS (Vergati): I'll defer that  
24 question to Bob Burns.

25 THE WITNESS (Burns): In the past

1 they've had a much larger generator on site. This  
2 generator will only be 10 kW as opposed to 50 kW  
3 they put on in the past.

4 MR. LYNCH: Thank you. I just wanted  
5 to get that out of the way.

6 THE CHAIRMAN: Dr. Klemens.

7 DR. KLEMENS: And does that mean that  
8 actually the capacity of this generator couldn't  
9 potentially be used for other carriers to come or  
10 for the town, is this the reason the tank is  
11 small -- the generator is small -- preclude the  
12 ability to have a shared generator for people  
13 coming in the future, or could you get a bigger  
14 tank in and a bigger generator? And that's just  
15 something that the Council likes to see shared.

16 THE WITNESS (Burns): The small  
17 generator currently shown within the set is for  
18 Verizon's use only, and the propane tank is to  
19 power that generator.

20 DR. KLEMENS: So if you had other  
21 carriers coming on, they'd have to provide their  
22 own generators, or could the propane tank and  
23 generator be removed and something larger be put  
24 there?

25 THE WITNESS (Burns): They would have



1 to provide their own generators. As far as shared  
2 generators, I'd defer to Homeland for that, but  
3 typically they would bring in their own  
4 generators, and the 500-gallon propane tank is to  
5 fuel that generator.

6 DR. KLEMENS: It seems like we're  
7 moving a little bit backwards from the progress  
8 we've made in the past on this matter where we've  
9 encouraged the use of shared generators on these  
10 facilities. Maybe someone could comment on that.

11 THE CHAIRMAN: The Chairman might if  
12 they won't, but I would just second that. You  
13 actually stole my thunder, but that's all right.

14 DR. KLEMENS: I'm sorry.

15 THE CHAIRMAN: But, yeah, I was  
16 disappointed that we're getting that kind of a  
17 response after it's now been over a year that  
18 we've been really trying to move in the other  
19 direction.

20 Mr. Lynch.

21 MR. LYNCH: Seeing that we're still on  
22 this subject, I might as well beat a dead horse.  
23 I notice that the town and their municipal  
24 equipment will not have a back-up system. Would  
25 you let them tie into your -- or could they tie

1 into your generator?

2 THE WITNESS (Burns): The way the  
3 generator is currently sized, they couldn't tie  
4 in. There is space within the compound for a  
5 larger propane tank, but as far as a shared  
6 generator, that generator that's being specified  
7 there is not for that purpose.

8 MR. LYNCH: In your discussion though,  
9 is there a reason the town decided not to have  
10 back-up power?

11 THE WITNESS (Vergati): In my  
12 discussions with the town to this date, they have  
13 not confirmed what type of back-up generation they  
14 would look to use, be it either a generator or  
15 batteries, propane, diesel.

16 MR. LYNCH: Would the installation of a  
17 dish microwave need more power from a generator?

18 MR. BALDWIN: I'm not sure. Perhaps  
19 that's something we can explore.

20 MR. LYNCH: Well, not being an  
21 engineer, I'll wait for my good friend,  
22 Mr. Ashton, to tell me what to think, how much  
23 power they may or may not use. It just came to my  
24 head. Seeing that there are going to be  
25 microwaves installed on the tower, my only

1 question is, not being an engineer, does that  
2 require more than regular antennas?

3 THE WITNESS (Burns): The generator  
4 that's there is backup for the radio equipment,  
5 not necessarily the antennas and the microwave  
6 dishes.

7 MR. LYNCH: Well, I'm going to the fact  
8 that if the town decided in the future that they  
9 may want to be part of your emergency back-up  
10 system, would there be enough power there for both  
11 of you?

12 MR. BALDWIN: If I might, Mr. Chairman,  
13 this is the first time that Verizon/Homeland has  
14 been before the Council with the new configuration  
15 of its equipment. There is no shelter, there are  
16 no air-conditioning units, so the emergency  
17 back-up power needs are not what they were when  
18 the shelters were being installed at cell sites,  
19 hence, the smaller back-up generator to power its  
20 equipment in this location.

21 I think our answer to the question from  
22 the Council is consistent with what we've said  
23 before, there's no interest, that we are aware of,  
24 that the town wants to install any back-up power  
25 there.

1           Could a back-up generator be installed  
2           that would power both the town's equipment and  
3           Verizon's? Sure. And Homeland's position is what  
4           it has been, I think, for some time. And if  
5           there's a desire on behalf of the town to install  
6           some type of back-up generator at this cell site,  
7           there's certainly enough room within the compound  
8           to do that. And it's something we'd have to  
9           discuss with the town as to how it gets there, how  
10          it's maintained. But I just want to give you that  
11          background on the new smaller generator that  
12          Verizon is installing.

13                 THE CHAIRMAN: That almost suggests  
14                 that it would be a lot easier to have a shared  
15                 generator. If you're getting a smaller, more  
16                 efficient generator, you don't need that space.  
17                 I'd suggest the technology is moving in that  
18                 direction. It would certainly be feasible.

19                 I would certainly hope -- and I don't  
20                 know if you need the answer before dinner -- but  
21                 we certainly need an answer before D&M which is  
22                 for us -- well, for this layperson it does not  
23                 seem to make any sense at the very least that the  
24                 generator, you wouldn't find a way to share it  
25                 with the town. It just -- but just advise.

1           And I guess I can't put nods on the  
2 record, but it seems like that is something that  
3 the Council would find it very much remiss if we  
4 didn't explore that, and if the town is interested  
5 in that, you wouldn't find a way to make it  
6 happen. But I think --

7           Mr. Ashton.

8           MR. ASHTON: Thank you, Mr. Chairman.  
9 I think we're likely to trip over our own shoe  
10 laces if we try and design a system here. I am  
11 very sympathetic to the concept of a single  
12 back-up emergency generator. And I think the  
13 applicant is correct in saying that for the size  
14 of the system they are proposing, the 10-kW  
15 500-gallon system would work.

16           Now what is not clear, and it's not in  
17 the record, to my knowledge, is whether or not the  
18 town already has some back-up capability at the  
19 fire station that they may be able to draw upon,  
20 or whether this is an opportunity for them to go  
21 piggyback on a single generator.

22           I caution the Council that if the town  
23 decides to get under the back-up machine, as  
24 proposed, currently proposed, it could be  
25 substantially more because it's not only for RF

1 needs, and that includes the microwave band, but  
2 if I were the chief of police, the fire chief or  
3 first selectman and an opportunity came for a  
4 back-up system, I would want to put in some  
5 lighting in the building, as well as RF and things  
6 like that, so the system, the system, can truly be  
7 backed up in toto. It may well be that coming out  
8 with that kind of study, the answer would show  
9 that instead of 10 kW, you could be looking at 100  
10 kW, and that's another question.

11           While I'm very sympathetic to this idea  
12 of a single back-up, I think that for the Council  
13 to dictate it gets a bit sticky. And I would  
14 suggest to both the applicant and to the town that  
15 if this is something that they truly want to  
16 pursue, they get together around the corner and do  
17 it. It's not comely for the Siting Council to try  
18 to design a back-up system. We don't know your  
19 needs, and we don't know what the current problems  
20 are.

21           Thank you, Mr. Chairman.

22           MR. HANNON: I just have a follow-up  
23 question. So if, for example, there are other  
24 carriers that come in the future and you're not  
25 doing the shared generator, then is there room for

1 both a generator and a propane tank or some type  
2 of diesel fuel back-up supply within the site?

3 THE WITNESS (Burns): Yes.

4 MR. HANNON: I'm looking at the layout  
5 right now, and I'm trying to figure out where you  
6 could put in those other units because it doesn't  
7 look like there's a whole lot of room, as a matter  
8 of fact, it looks like about the only place you  
9 could do it is almost by -- actually it looks like  
10 it's outside the fence line. So I'm just kind of  
11 curious where you would get the additional  
12 generators and/or propane tanks.

13 THE WITNESS (Burns): Yes. I think  
14 there's two points here. First, the lease area is  
15 bigger than the compound, so there's room for  
16 expansion of the fenced-in area. In addition,  
17 what we're showing for future carriers, we're  
18 showing 12 by 20-foot shelters where many of these  
19 carriers are moving away from shelters and  
20 actually shrinking their footprint.

21 So I think that in the future there  
22 could be room. Will the configuration be exactly  
23 what's shown here from a future carrier basis? It  
24 kind of depends on what they're coming in with for  
25 equipment at the time.

1 MR. HANNON: Okay.

2 THE CHAIRMAN: Mr. Mercier, back to  
3 you.

4 MR. MERCIER: Thank you. I just have a  
5 question regarding Cellco's footprint here. I see  
6 the large platform you'll be installing, but it's  
7 not really fully utilized. Is there any reason  
8 why you have so much extra space for a small  
9 amount of equipment?

10 THE WITNESS (Montrose): The reason for  
11 the additional space there is for the possibility  
12 of future expansion. That leaves us a little more  
13 room up on the platform for any additional  
14 antennas or future growth.

15 MR. MERCIER: So you would just add  
16 cabinets in a linear fashion rather than, let's  
17 say, rows?

18 THE WITNESS (Montrose): Yes, depending  
19 on what we need, yes.

20 MR. MERCIER: Okay. One thing I  
21 noticed on the platform, and it was also discussed  
22 in the field, was a type of battery cabinet. How  
23 does the battery interplay with the generator?  
24 Does the battery go on first for emergency power,  
25 or the emergency power battery or --



1           THE WITNESS (Montrose): Actually in  
2 the event that we do lose commercial power and the  
3 generator does not kick on, the batteries are  
4 actually there, and the batteries will give you a  
5 short-term in the interim until commercial power  
6 is restored again.

7           MR. MERCIER: I'm just curious why the  
8 generator wouldn't kick on. Is that an issue  
9 you've had in the past?

10          THE WITNESS (Montrose): We have had  
11 instances where it goes to kick on and actually  
12 fails. So we have had instances where we didn't  
13 have enough battery back-up time and we have lost  
14 total communications at the site. So it's just  
15 something that we kind of keep in mind, so double  
16 redundancy.

17          MR. MERCIER: Sure. Thank you.

18                 Staying with the field review, there  
19 was discussion regarding a utility easement that  
20 would extend along the south side of the firehouse  
21 through some lawn area. I saw some trees there.  
22 Are any of the trees going to be removed for the  
23 utilities?

24          THE WITNESS (Burns): No, there's  
25 sufficient area there that we can get in and out

1 without impacting the trees.

2 MR. MERCIER: Thank you.

3 Mr. Libertine, will you please describe  
4 the balloon fly that occurred at the field review  
5 today?

6 THE WITNESS (Libertine): Certainly.  
7 We've had a 4-foot helium-filled balloon. It's  
8 been red. We've had two up today since about  
9 quarter to 8 this morning. We've had very  
10 favorable winds. It's been low-wind conditions.  
11 About 15 minutes or so before the field walk, or  
12 maybe about half an hour or so, about 1:30, we  
13 swapped the balloon out because it had started to  
14 fall a little bit, having been up four or five  
15 hours. Winds picked up a little bit for just  
16 prior to the field walk, but they're running  
17 anywhere from about two to five miles an hour  
18 today, so it's been a good day.

19 Visibility has been overall pretty  
20 good. There have been some low clouds. We did  
21 have some showers this morning. But we will have  
22 it up until 6 o'clock tonight. And it is tethered  
23 at a full 125 feet of string -- I'm sorry 150, as  
24 I said, out in the field. There's also 25 feet  
25 above -- 20 feet for the whip antennas, but those

1 are not represented today. So we just added the  
2 full height of the monopole, 150 feet.

3 MR. MERCIER: Would you please mention  
4 why it was not flown at 175?

5 THE WITNESS (Libertine): We typically  
6 don't like to -- actually if we had had a supply  
7 of white balloons, which they're not making right  
8 now, I was going to tether one above. But our  
9 experience has been the whip antennas, because  
10 they're usually about in the 2-inch diameter  
11 range, once those are up and you start to get back  
12 from the monopole anywhere from about an eighth of  
13 a mile to perhaps a quarter of mile or so, they  
14 tend to blend into the background on any day,  
15 whether you have a blue bird sky or gray  
16 conditions like today.

17 So from an overall visibility  
18 standpoint they really don't have the type of  
19 impact. And in this condition or in this  
20 particular situation you really don't see them  
21 much beyond the boundary of the property and the  
22 road, Pocono Road. So we felt as though it would  
23 be a little misleading to show 175 feet with that  
24 bright red 4-foot balloon.

25 MR. MERCIER: Staying with visibility,

1 I'm just going to refer to the abutters' map and  
2 just ask for your opinion on what the visibility  
3 would be from the adjacent properties beginning, I  
4 guess, with number 88 Pocono. That's due south of  
5 the property -- actually 82 is due south of the  
6 tower, but 88 is a little bit southeast. It's a  
7 residential structure.

8           Would you please describe what  
9 potentially that residence would be able to view?

10           THE WITNESS (Libertine): Sure. As you  
11 probably saw when you were out there, there are  
12 some tree lines primarily along the south side and  
13 then again to the east side. To the south, I  
14 think those views are going to be -- well, from  
15 the yard itself you're going to have spotty  
16 year-round views. Once the leaves are off the  
17 trees that will open up a little bit. Its  
18 proximity to the pole itself lends itself so that  
19 there will be some fairly prominent views.

20           I will also say that right now that  
21 they are also at this point in time viewing  
22 through the trees the fire station and some of the  
23 activities that are going on in the DPW yard.  
24 There are some coniferous trees there are going to  
25 lend itself to blocking certainly the lower

1 portions, but at 150 feet I think year-round at  
2 least the very top of the tower is going to be  
3 visible from those locations.

4 MR. MERCIER: You say "very top." Are  
5 you thinking of upper 30 feet?

6 THE WITNESS (Libertine): I'd say,  
7 yeah, 30 to 50 feet, depending upon where you're  
8 standing. There's also a slight berm that's in  
9 that area that will help hide certainly the lower  
10 portions of the compound which is set down lower.  
11 So that's why I think what I would say the upper  
12 third of the tower or so might be visible from  
13 some locations.

14 THE CHAIRMAN: Dr. Klemens, do you have  
15 a question?

16 DR. KLEMENS: Just to follow up on  
17 this, I'm looking at the site plan. Is this  
18 trench going to be done in a manner that's not  
19 going to -- there's some trees that seem to be  
20 right in or close. Are they going to lose trees  
21 in the trenching of this utility, some of those  
22 trees that are providing a screening, or is it  
23 just my misreading of the plans?

24 THE WITNESS (Burns): There should be  
25 sufficient room to get through there without any

1 impact on the trees.

2 DR. KLEMENS: But not definitely. I'd  
3 prefer a definite answer since trees are  
4 important.

5 THE WITNESS (Burns): I would say that  
6 they will be able to install this without  
7 impacting the trees.

8 DR. KLEMENS: Thank you.

9 THE WITNESS (Libertine): The idea is  
10 to stay outside of any of the drip line, which  
11 would be representative of the root zone as well.  
12 That would be the ideal.

13 MR. MERCIER: Right across from the  
14 easement origin point that's 81 Pocono Road. Do  
15 you have any thoughts of what the visibility would  
16 be from that property? That's right down the  
17 easement line, although the trees are going to  
18 remain in place that are there.

19 THE WITNESS (Libertine): Well, you  
20 have trees on both sides of the road there. I  
21 think it's going to be somewhat similar, albeit  
22 we're a little bit further away, but again, I  
23 think, again, the grade drops to our tower, so  
24 that upper portion of the facility at certain  
25 times of the year, and depending upon where you're

1 standing, certainly there will be some visibility  
2 of it.

3 MR. MERCIER: And then further, I  
4 guess, northeast there's 101, I think, 103. I  
5 can't read the plan numbers clearly. Do you have  
6 any sense of the residence as you go towards the  
7 town hall?

8 THE WITNESS (Libertine): I think  
9 increasingly as you head north from what we'll  
10 call the easement area at the southern corner of  
11 the property, we have advantages and disadvantages  
12 there. We start to lose some tree cover because  
13 of the openness of the road. What we do gain is  
14 the fact that the building itself will help to  
15 screen, again, portions of that lower part of the  
16 tower. As we start to move a little bit further  
17 north, there's a line of trees, again, that kind  
18 of line the driveway that will help to effectively  
19 screen lower portions.

20 But we have several pictures in the  
21 visibility report, and I think it's clear that  
22 there are locations out along Pocono Road where  
23 there's fairly open direct views towards certainly  
24 the tower site proper, not necessarily the base  
25 level, but certainly that upper level. So I think

1 it's unavoidable that there's going to be  
2 intermittent views along the road.

3           We actually in one spot I believe -- I  
4 want to say it's photos 10 and 11. Let me just  
5 double check that. We did the side-by-side  
6 comparison just to more or less get an idea of how  
7 the views kind of drop in and out as you're going  
8 along the road, again, taking advantage of certain  
9 vegetation and trees that are there today.

10           So I think it's fairly well represented  
11 what I'll call the nearest views within a quarter  
12 mile or so. It's just a function of the tower  
13 being 150 feet and only having so many trees.  
14 We've got soccer fields and other open areas that  
15 kind of provide that open vista.

16           Although they're a little bit further  
17 away, you also have some views of some of the  
18 overhead structures associated with transmission  
19 lines in the area. And I think that gives you an  
20 idea of the broadness of the valley, and when  
21 you're in it how you have some of those views,  
22 primarily looking back towards the south from the  
23 north or the northeast.

24           MR. MERCIER: Thank you.

25           THE WITNESS (Libertine): You're



1 welcome.

2 MR. MERCIER: Now, in regards to the  
3 proposed wireless services that Cellco will be  
4 installing, I read Interrogatories 2 and 3, and  
5 I'm not sure if you're going to be installing an  
6 850 megahertz band on this site. The plots that  
7 are in the application in one of the responses  
8 says you're not going to in the immediate future  
9 or at all? I'm not sure.

10 THE WITNESS (Montrose): Correct.  
11 Currently we are not going to install the 850  
12 portion of that. That's going to be reserved for  
13 future growth for our LTE deployment. Currently  
14 we have CDMA services running on our 850 spectrum,  
15 which we are not proposing to install at this  
16 time, which is older 3G services. We will be  
17 proceeding with all of our new LTE 4G services and  
18 then grow into the future 850 portion of the  
19 spectrum with the new technology.

20 MR. MERCIER: Now, is that years out  
21 you're anticipating or --

22 THE WITNESS (Montrose): Probably, yes.  
23 I'm sure they're looking at developing that  
24 portion of the spectrum, but it is currently in  
25 use, so it's not as easy as flipping a switch. So

1 yes, it will be for future use down the road.

2 MR. MERCIER: So for this site the 700  
3 would serve as, say, the base of the network?

4 THE WITNESS (Montrose): Yes.

5 MR. MERCIER: And then the other two  
6 bands you'd be installing would kind of supplement  
7 that?

8 THE WITNESS (Montrose): Correct. They  
9 are for additional capacity overlaid onto the  
10 700, which is the base.

11 MR. LYNCH: Just as a follow-up, so the  
12 700 will be carrying voice?

13 THE WITNESS (Montrose): Yes, sir. We  
14 do offer voice over the LTE service, Voice Over  
15 IP. So yes we do get traditional voice service on  
16 the LTE technology as well.

17 MR. LYNCH: Thank you.

18 MR. MERCIER: Now, in the  
19 interrogatories I did ask about the utilization of  
20 small cells, and it was explained that you need a  
21 macro solution. Looking at the proposed 700  
22 megahertz system coverage plots provided in the  
23 application, there are some areas that are not  
24 being covered by adjacent sites as well as the  
25 proposed site. Now, would those locations

1 potentially be small cell or microcell locations?

2 THE WITNESS (Montrose): They can  
3 potentially be served by a small cell deployment  
4 or a shorter macro site. Obviously what we're  
5 proposing here has such a large footprint that if  
6 we tried to address that coverage need with small  
7 cells, we would have to put in a tremendous amount  
8 because the small cells cover roughly about a half  
9 a mile. So in order to daisy chain that many of  
10 them in order to cover that large of an area, it's  
11 a very substantial deployment.

12 MR. MERCIER: So once this site goes on  
13 air, does Cellco go out and evaluate these actual  
14 remaining gaps, I'll call them, and then determine  
15 whether that it would be suitable or --

16 THE WITNESS (Montrose): Yes, we do.  
17 After the site goes live, our performance  
18 engineers actually go out and drive it -- do test  
19 quality measurements, as well as see how far the  
20 coverage footprint goes out there, what areas are  
21 actually unserved, and bring that information back  
22 to me so that I can evaluate it and see what other  
23 candidates are out there that we could propose to  
24 fill in those small gaps.

25 MR. MERCIER: Thank you. I have no

1 other questions. Thank you.

2 THE CHAIRMAN: Thank you.

3 I guess we'll start with this side,  
4 Mr. Hannon.

5 MR. HANNON: Thank you, Mr. Chairman.  
6 I just basically have one question. I know  
7 that -- let's see, behind tab 1 of the site plan  
8 it looks as though to the southwestern corner it  
9 looks like the fence itself is up on the plateau,  
10 but the proposed erosion control measure cuts into  
11 that embankment. I'm just wondering if that in  
12 and of itself isn't going to create a problem and  
13 there's a way to kind of move the silt fence or  
14 some other type of material up a little bit higher  
15 so it's more towards the crest of the hill rather  
16 than coming in in the middle of the hill?

17 THE WITNESS (Burns): The proposed  
18 fence is actually at the toe of that slope, and  
19 the silt fence is at the western and southern side  
20 of the compound. So the fire station side does  
21 not have silt fence on it.

22 MR. HANNON: If it's the southwest  
23 corner, I think it has -- you've got the fence  
24 which is up --

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

1 The southwest corner is at the elevation of the  
2 DPW yard, and then it drops off significantly from  
3 there.

4 MR. HANNON: Right. And what my  
5 comment is is the way the silt fence is proposed,  
6 it's cutting about halfway into that embankment.  
7 And I'm just wondering if there's a way to sort of  
8 reconfigure, whether it's silt fence or some other  
9 material that's used, so that it's closer to the  
10 top of the slope instead of halfway down the  
11 slope? Why disturb it if you don't have to.

12 THE WITNESS (Burns): Correct. It  
13 certainly could be tightened up and maybe some  
14 wattles along the edges, yes.

15 MR. HANNON: I have no other questions.

16 THE CHAIRMAN: Mr. Harder?

17 MR. HARDER: No questions.

18 THE CHAIRMAN: Mr. Ashton?

19 MR. ASHTON: I'm afraid, Mr. Chairman,  
20 I've been doing what I don't like to see done  
21 here, I've been doing a little engineering on the  
22 spot.

23 Going back to the question of back-up  
24 power, the application does refer to 10-kW. It  
25 does not give the number of phases or the voltage

1 of the power supply. Do we know what they are?

2 Are they 3-phase backup, 240 volts, 440?

3 THE WITNESS (Burns): We certainly can  
4 get you that information. Currently I don't have  
5 that.

6 MR. ASHTON: The reason for it is  
7 that -- and I apologize again for my engineering  
8 here. If the town chose to use this as a time to  
9 back up its own system, putting a generator out at  
10 the tower or putting a generator in here in the  
11 corner of the fire building means that there's a  
12 fair distance to go at a low voltage, and that  
13 gives you voltage problems and so on. I'm not  
14 going to bore you with it. If the bulk of the  
15 load is in the -- I'm assuming the town wants to  
16 go forward with this. If the bulk of the load is  
17 in the fire building, then probably it would make  
18 sense to put the back-up generator in the fire  
19 building so it's accessible year round in all  
20 weather, which should help a little bit, and  
21 there'd be less load to carry to the tower. That  
22 means though that the applicant has got to do some  
23 engineering as to what kind of voltages it needs.

24 It's an intriguing thought, and I  
25 frankly would like to see it happen. We cooperate

1 on a tower. We have multiple carriers occupying a  
2 common tower. And I fail to see at all why it is  
3 not possible, may even practical, to have a single  
4 back-up system for the electronics. And I'll let  
5 it go at that.

6           The application specifies that there  
7 are four houses within 1,000-foot radius. Mike, I  
8 guess I'm looking at you. Are those, 81, 88 and  
9 then the ones going north from 81 -- now, 81, as I  
10 looked at it, is derelict. Is that counted in  
11 there?

12           THE WITNESS (Libertine): It is counted  
13 as a structure, yes.

14           MR. ASHTON: I don't think anybody is  
15 living in it. It sure looks overgrown.

16           THE WITNESS (Libertine): Yes, it does  
17 not look like it's --

18           MR. ASHTON: So it's really three-plus  
19 houses?

20           THE WITNESS (Libertine): Right.

21           MR. ASHTON: How far away from the  
22 state listed box turtle is the tower, any idea?

23           THE WITNESS (Libertine): Well, the  
24 actual --

25           MR. ASHTON: I know turtles can go

1 anywhere at any time whenever they want. But  
2 their risk, how much distance do they normally  
3 get?

4 THE WITNESS (Libertine): We probably  
5 have quite a buffer from the habitat that they're  
6 likely to be using. The area of corridor is quite  
7 aways away across Route 7. There are two man-made  
8 features within a few hundred feet of our  
9 proposal. One is a drainage ditch to the west,  
10 and then there's another that's out to the east,  
11 some type of a storm water basin that was  
12 constructed.

13 Is it possible they could be using  
14 habitat around there? I suppose it's possible,  
15 but I think the reality is that the DEP tends to  
16 be fairly conservative in their approach, and I  
17 think they know that there are records in the  
18 general area. And so we did get -- or Homeland  
19 received a letter indicating that there are known  
20 turtles in the area.

21 MR. ASHTON: Thank you. Nothing  
22 further, Mr. Chairman.

23 Good luck.

24 THE CHAIRMAN: Thank you.

25 Mr. Lynch.



1           MR. LYNCH: One of the good advantages  
2 of going towards the end, a lot of the questions  
3 have been answered. But I've got a couple that  
4 I'll put toward you. And this is the first docket  
5 we've had in a while that actually deals with  
6 coverage and not capacity. And my question to you  
7 is about capacity. And the sound surrounding cell  
8 sites, as they offload, how will that offloading  
9 of the other sites impact this site and its  
10 coverage, if it does at all?

11           Ms. Montrose, you're up.

12           THE WITNESS (Montrose): Great. When  
13 the cell is activated, it is going to serve  
14 primarily all the users directly underneath its  
15 footprint allowing the area sites to be offloaded,  
16 meaning that the usage will drop off on those  
17 other sites, whether it be for voice services or  
18 for data. The coverage footprint is not going to  
19 change, just the amount of the resources that are  
20 used up in that one primary site.

21           MR. LYNCH: I guess what I'm inquiring  
22 about is as the offloading of the surrounding  
23 sites -- and you named them here.

24           THE WITNESS (Montrose): Correct.

25           MR. LYNCH: -- happens, could that

1 create a capacity problem at the new site?

2 THE WITNESS (Montrose): It can  
3 actually if you have all of your users  
4 concentrated right underneath the one, which is  
5 why we're proposing to put more than just the 700  
6 portion of the spectrum. We'll also deploy the  
7 AWS portion on there. As we accumulate more users  
8 and the customers out there use more and more of  
9 both the voice and data services, we can actually  
10 go and activate another portion of the spectrum of  
11 whatever it is that we own, but normally not to  
12 the point where it is completely exhausted.

13 MR. LYNCH: That leads me to my next  
14 question, which is, most of the sites we're seeing  
15 now are dealing more with data presentation than  
16 they are with, you know, can you hear me now. And  
17 again, would the increase in data over time  
18 require you to go to that other frequency that may  
19 be needed?

20 THE WITNESS (Montrose): Oh,  
21 absolutely. The actual usage is for the entire  
22 piece of spectrum in the frequency that's offered.  
23 It does not differentiate between the voice and  
24 data service. It's the entire portion of spectrum  
25 that's being used because of the instantaneous

1 method in which it actually processes whether it's  
2 a voice call or a data call. So as you accumulate  
3 users on there and all of those resources under  
4 that 700 megahertz LTE block starts to be used, it  
5 doesn't differentiate between voice or data. So  
6 we just look at it and say, okay, we're  
7 approaching maximum, we need to do something about  
8 that and deploy another frequency.

9 MR. LYNCH: That I understand. All I  
10 was getting at is the data portion of your  
11 spectrum is increasing much quicker or  
12 exponentially over the voice part?

13 THE WITNESS (Montrose): Absolutely,  
14 yes.

15 MR. LYNCH: And the other question I  
16 have involves the possible expansion of the tower.  
17 And you mentioned you go up 20 feet which, you  
18 know, the FCC allows you to do. If that should  
19 happen in the future, you get another carrier that  
20 doesn't want to go below and wants to go above,  
21 how does that impact all the towns' antennas that  
22 are on top? Would they stay where they are?  
23 Would they be relocated again at the top of the  
24 tower? How does that work?

25 THE WITNESS (Montrose): For not

1 interference purposes, normally when Verizon were  
2 to extend the height of the tower we would move  
3 public services up just so that they have a clear  
4 line of sight.

5 MR. LYNCH: So you have a separation?

6 THE WITNESS (Montrose): Yes. Because  
7 otherwise you're going to have to extend more than  
8 the 20 feet to get past the whip antennas and any  
9 dishes or anything that they have there and still  
10 maintain the town services unimpeded and with no  
11 interference.

12 MR. LYNCH: And Mr. Libertine, how  
13 would that impact everything visually if they went  
14 up 20 feet?

15 THE WITNESS (Libertine): I think 20  
16 feet would change the character of some of the  
17 near views. I don't think it would open up many  
18 new views. We've got kind of this broad valley  
19 here with some shallow rises to the east and the  
20 west primarily. Once you get up there, you've got  
21 good tree cover, and it kind of plateaus out. So  
22 the viewshed is kind of right down the valley, so  
23 to speak.

24 So I don't think the additional 20 feet  
25 is going to make a big difference in terms of the

1 overall footprint. Certainly it would change the  
2 character, 150 to 170, so it's going to be a much  
3 taller structure than what we have today.

4 MR. LYNCH: Back to you, Ms. Montrose.  
5 With the data portion services being delivered, do  
6 we have any idea how many residences in the  
7 Brookfield area would be covered by your data  
8 services?

9 THE WITNESS (Montrose): That  
10 information I do not have. We can only estimate  
11 really from the amount of usage from the  
12 neighboring sites from our own customers, but how  
13 many are actual Brookfield residents, I don't  
14 know.

15 MR. LYNCH: Thank you. And lastly, as  
16 I go to some of your rendering, your site  
17 drawings, if you could make them a little bit  
18 darker in the future? Some of the legends on the  
19 site are really hard to read. And now that I'm  
20 catching up to Mr. Ashton in age, I'm going have  
21 to -- if you could just make them a bit darker in  
22 the future? That's all.

23 Thank you, Mr. Chairman.

24 THE CHAIRMAN: Thank you.

25 Dr. Klemens?

1 DR. KLEMENS: Thank you, Mr. Chairman.  
2 I have a variety of questions. First, it has to  
3 do with the plans that are put under tab -- the  
4 beginning of the application there's tab 1. Thank  
5 you. Okay. There's a variety of engineering  
6 drawings in there. And whilst going through them,  
7 something struck me as a little bit strange, maybe  
8 it isn't, that the two existing condition sheets  
9 were not prepared -- they were prepared by another  
10 entity not listed on the cover preparers, and  
11 that, I guess, is okay for existing conditions  
12 except that the second existing conditions there  
13 is a proposed tower.

14 So I guess I'll ask the engineers,  
15 seeing you didn't prepare EX-1 and EX-2, they were  
16 prepared by an engineer from BL Companies, which  
17 is not listed on the cover, is that accurate where  
18 the proposed tower is? Is this the same tower  
19 that we're looking at?

20 THE WITNESS (Burns): Yes, those two  
21 drawings were prepared by a company that we had  
22 used to do the survey; and, yes, the proposed  
23 tower is in the correct location. That was  
24 provided to them to show on the survey.

25 DR. KLEMENS: Okay. So you agree with

1 those --

2 THE WITNESS (Burns): Yes, they are our  
3 subcontractor.

4 DR. KLEMENS: Okay. Thank you.

5 I also noticed these two mounds -- I  
6 didn't even see them in the field -- that the  
7 tower is being put on. There's an asphalt mound  
8 that's sitting there where the tower is going to  
9 go, and another mound, I presume, it says, is that  
10 also asphalt that is going to be removed for the  
11 entrance road?

12 THE WITNESS (Burns): That is correct.  
13 They're existing out there now. DPW, they are  
14 using that area as part of their storage area.  
15 That's asphalt they're storing there and will be  
16 removed prior to construction.

17 DR. KLEMENS: And where will it be?  
18 Will it be put somewhere else on site, or is it  
19 going to be moved to be recycled?

20 THE WITNESS (Burns): Somewhere else in  
21 the yard.

22 DR. KLEMENS: Not in any wetlands or  
23 near any wetlands, I presume?

24 THE WITNESS (Burns): Of course not.

25 DR. KLEMENS: I just had to ask the

1 question.

2           Okay. I'm just going to go on a few  
3 items that we should have talked about in the  
4 field, but I think we need to get them into the  
5 record dealing with the turtles. First, under tab  
6 10 there's a letter from the U.S. Fish and  
7 Wildlife Service. And it says here under the bog  
8 turtle that "the area is highly disturbed and  
9 habitat suitable for these species is not  
10 present." Would you agree that's what the Fish  
11 and Wildlife Service said that's in the record,  
12 right? It's right there.

13           THE WITNESS (Libertine): Yes, that's  
14 what it says, yes.

15           DR. KLEMENS: So then I'm a little  
16 bit -- I'd like to correct them -- bear with me  
17 here -- a statement that was made on page 17 of  
18 the introduction, a statement at the very top of  
19 the page is made, "Determination, the heavily  
20 impacted and developed subject parcel makes it  
21 significantly less likely the impacts on this  
22 species will occur."

23           Well, if I read the U.S. Fish and  
24 Wildlife Service letter, there is no habitat, and  
25 therefore there is no significance of likelihood



1 of impact. Could someone clarify that because I  
2 think in an abundance of caution, you're basically  
3 being too generous, in my opinion, as to the  
4 potential impacts on the bog turtle of this  
5 project. So maybe you could clarify that.

6 So on page 17 you've taken a much  
7 unnecessarily generous approach to what impacts,  
8 in my personal opinion, but I'd like you to look  
9 at that and give us your opinion.

10 (Pause.)

11 THE WITNESS (Libertine): My opinion,  
12 and just my opinion, is that it's very soft  
13 language on page 17, and I think it's being  
14 conservative. I think it was trying -- I didn't  
15 write it, but my guess is it's trying to balance  
16 the two correspondence from the two agencies, one  
17 of which made it very clear, as you stated, that  
18 no suitable habitat exists, where DEP came back  
19 and said that there is potential in the area.

20 So again, my opinion is -- and it's  
21 just a best guess -- is that this language is  
22 trying to blend those two thoughts. I agree with  
23 you that it's somewhat -- I won't say it's  
24 contradictory, but I think it's being overly  
25 generous of the particular area that we're talking

1 about.

2 DR. KLEMENS: And as the DEP very  
3 clearly indicates that you have to consult with  
4 the U.S. Fish and Wildlife Service, wouldn't you  
5 state for the record that the service's  
6 determination is the one that really in this  
7 matter is the important controlling determination?

8 THE WITNESS (Libertine): It is  
9 certainly from our -- yes, I would agree with  
10 that. We have to meet the compliance obligations  
11 for a federal license, and U.S. Fish and Wildlife  
12 would certainly be the overriding authority.

13 DR. KLEMENS: So in the absence of a  
14 habitat, there really can't be -- there will be a  
15 remote chance of an impact, correct?

16 THE WITNESS (Libertine): I would agree  
17 with that, yes.

18 DR. KLEMENS: Thank you.

19 Okay. Now let's get to the two  
20 turtles. Mr. Ashton already mentioned the box  
21 turtle. And again, you've already testified --  
22 someone testified that the riparian habitat is  
23 across the road along Route 7 on the other side,  
24 the west side?

25 THE WITNESS (Libertine): That is

1 correct.

2 DR. KLEMENS: So I think what happens  
3 with the DEEP is they have a blob, and the blob  
4 just happens to fall inside your site. But from a  
5 practical perspective, do you really feel that a  
6 turtle protection exclusion program is warranted,  
7 given the fact that the turtles are all on the  
8 other side of Route 7, and the only turtles, I  
9 believe, that possibly could come there would have  
10 to come where the Still River is, the very  
11 northern part of the site, and go all the way  
12 down, across the ballfields, through the town  
13 property to the end. So I'm sort of trying to  
14 make a point here that I don't believe that such a  
15 program is necessary on this site.

16 THE WITNESS (Libertine): I would agree  
17 with your opinion, Dr. Klemens. I would state  
18 just for the record, yes, the DEP takes their  
19 individual records and buffers them for public  
20 consumption on their mapping. And so those  
21 buffers can be up to a quarter mile in width. And  
22 so I think in this case -- and I apologize, I  
23 don't have the actual DEP map. I'm not even sure  
24 necessarily if the blob that they use for these  
25 buffered areas actually hits our site or not. It

1 may be in this case, because we were coming before  
2 the Council, and the Council requires a letter  
3 from the DEP, that this request may not have been  
4 necessary if you were doing it outside the Council  
5 purview and were just doing it based on the DEP's  
6 criteria, which is, yes, if it touches your site,  
7 you are requested or required to put a formal  
8 request in regardless.

9 I agree with exactly what you're  
10 saying. I think the primary habitat area is  
11 remote from the site. It's across Route 7, which,  
12 as we know, is a full access highway. I think it  
13 is, for lack of a better term, this response from  
14 DEP is overkill for this particular site just  
15 based on lack of proximity to their preferred  
16 habitat, the fact that we've got an active yard  
17 that's used on a daily basis, and the fact that  
18 it's really void of any habitat that would be  
19 preferred by that species. So yes, I agree with  
20 that, I don't believe it's necessary.

21 DR. KLEMENS: So you would have no  
22 objection if I sort of suggested we don't put it  
23 in the D&M plan?

24 THE WITNESS (Libertine): I would not  
25 have any problem with that at all. I will note

1 this site has gone beyond the time frame, and it  
2 will require reaching out to DEP again prior to  
3 construction. We may be faced with the very same  
4 recommendations, but it's just that, it is a  
5 recommendation.

6 DR. KLEMENS: Because the blobs -- and  
7 I know these blobs quite intimately.

8 THE WITNESS (Libertine): Better than  
9 I.

10 DR. KLEMENS: Yes -- they're across the  
11 highway, and believe me, any turtle that -- is  
12 never going to cross that highway. And I think  
13 it's onerous to spend money on doing that kind of  
14 thing when you don't need to. I'm all for those  
15 turtle protection and vernal pool protections when  
16 there's actual need, but I think my concern is we  
17 just shouldn't just do them everywhere just to  
18 get, you know, as the cost of doing business  
19 because it's not necessary and it costs all of us  
20 ultimately.

21 THE WITNESS (Libertine): Understood,  
22 and I appreciate the input.

23 DR. KLEMENS: Sure.

24 THE WITNESS (Vergati): I'd like to add  
25 to that. And coming from Homeland Towers who

1 writes the checks for these types of sites, we  
2 appreciate your input on that as well. And if  
3 it's not deemed to be needed, we certainly not  
4 look ahead in the D&M, but appreciate that.

5 DR. KLEMENS: Thank you. I have no  
6 further questions.

7 THE CHAIRMAN: Mr. Levesque.

8 MR. LEVESQUE: Sure. I'll be brief  
9 here. On the very first page of the executive  
10 summary -- I'm sure anybody can answer -- it says  
11 in the introductory paragraph, "Property, the town  
12 maintains the public library."

13 Is that there by mistake? Fire  
14 department, town hall, public library? I didn't  
15 see the public library, or maybe it's supposed to  
16 be public works. I don't know if that big garage  
17 next to the firehouse also includes public works.

18 THE WITNESS (Vergati): I believe there  
19 is a library on the town campus in addition to the  
20 fire department and police department.

21 MR. LEVESQUE: No. I've been to  
22 hearings in this town. It's on Whisconier Road,  
23 the library.

24 THE WITNESS (Libertine): I think it's  
25 just a mistake. That should be the public works

1 garage. There is no library on the property.

2 MR. LEVESQUE: Mr. Libertine, one  
3 question on your viewshed map.

4 THE WITNESS (Libertine): Yes.

5 MR. LEVESQUE: Your usual nice yellow  
6 and orange. On your shot for number 12, which is  
7 a nice photo, is in front of the public works,  
8 fire department, the big building. Correct?

9 THE WITNESS (Libertine): That's  
10 correct. That's in front of the public works  
11 garages.

12 MR. LEVESQUE: How come you didn't take  
13 a photo a little farther south down the road?

14 THE WITNESS (Libertine): As you move  
15 to the south, there is a fairly substantial tree  
16 line there, so we would have been shooting into  
17 trees. So we tried to frame it on either side  
18 where it was visible. What we try to do normally  
19 in these type of situations is show more or less  
20 if you were driving along that road.

21 In this case we knew we had fairly  
22 consistent views as you went from north to south  
23 down Pocono Road. So the idea was let's try to  
24 provide to see how the characteristics change, if  
25 they do, from a distance as you get closer to the

1 site. So it was really just a matter of making  
2 sure that we were trying to line things up so that  
3 you would have something to show. In the case of  
4 12, if we were to go just a little further --

5 MR. LEVESQUE: South.

6 THE WITNESS (Libertine): -- to the  
7 south, actually if we went just beyond the  
8 building, that tree line that you see on the left  
9 side would have started to obscure things for us.  
10 Very similar to how if you compare number 10  
11 versus number 11 where you have an open view of  
12 number 11, but as you move just down the road a  
13 bit you've got a line of trees that just happen to  
14 obscure it from that particular location. So we  
15 were really just trying to give some  
16 representative locations.

17 MR. LEVESQUE: I just thought it would  
18 have been nice to see like in front of the house  
19 that's closest to the site.

20 THE WITNESS (Libertine): That's a fair  
21 point.

22 MR. LEVESQUE: Then, Mr. Burns, on your  
23 site plan SP-2.

24 THE WITNESS (Burns): Yes.

25 MR. LEVESQUE: Are you there?



1 THE WITNESS (Burns): Yes.

2 MR. LEVESQUE: The propane tanks at the  
3 southwest corner, I assume like the propane  
4 delivery company has -- does it have like a  
5 30-foot hose so that they can get to there because  
6 they can't get their truck -- if somebody builds  
7 that future equipment shed, they won't be able to  
8 get their truck next to your tank?

9 THE WITNESS (Burns): Yes, they'll be  
10 able to bring in a hose 30 to 50 feet, I think  
11 even longer in some cases.

12 MR. LEVESQUE: And then does that tank  
13 have a life expectancy of like 30 years, or if  
14 they have to replace the tank?

15 THE WITNESS (Burns): If they have to  
16 get in there and replace that tank, they may have  
17 to take down a section of the fence to replace it  
18 or pick it from over the fence.

19 MR. LEVESQUE: It's outside your leased  
20 area?

21 THE WITNESS (Burns): The propane  
22 tank is --

23 MR. LEVESQUE: No, the other side of  
24 the fence, isn't it --

25 THE WITNESS (Burns): Yes, the lease

1 line is the fence line. They may have to get some  
2 type of temporary approval.

3 MR. LEVESQUE: The fire marshal would  
4 be interested in safety. Is that okay too that  
5 that 10-foot spark zone is outside the leased  
6 area?

7 THE WITNESS (Burns): Yes.

8 MR. LEVESQUE: The fire marshal will  
9 review it for you anyway?

10 THE WITNESS (Burns): Correct.

11 MR. LEVESQUE: And then it looks like  
12 the bank to the southwest there is pretty -- of  
13 your leased area is pretty steep.

14 THE WITNESS (Burns): It does drop off  
15 there, yes.

16 MR. LEVESQUE: So would there be a  
17 possibility of riprap there, bigger stones, if  
18 there's a lot of surface water?

19 THE WITNESS (Burns): It's certainly  
20 something we can look at and do that, if  
21 necessary. We're looking at putting in temporary  
22 erosion control measures. And the bank is fairly  
23 stable now but, you know, during D&M we can look  
24 at doing that.

25 MR. LEVESQUE: Thank you very much.

1 THE CHAIRMAN: Mr. Ashton?

2 MR. ASHTON: I forgot to ask a question  
3 which has defined my role here. Given the fact  
4 that 2-inch mesh can be climbed, would the  
5 applicant have any problem with an order for a  
6 less than 2-inch mesh for the cyclone fence?

7 THE WITNESS (Burns): Yes. Typically  
8 we specify anti-climbing weave on fence, so yes, I  
9 think that would be fine.

10 MR. ASHTON: Thank you. Nothing  
11 further.

12 THE CHAIRMAN: I just have a couple  
13 questions. Again, the tower, in theory, you could  
14 put how many, is it four, up to four providers on  
15 there, is that --

16 THE WITNESS (Burns): Right now it's  
17 shown as Verizon plus four future carriers and the  
18 municipality, so five total, plus the  
19 municipality.

20 THE CHAIRMAN: Okay. Going at it a  
21 different way, on the issue of the generator and  
22 the tank, there is enough space for five  
23 generators and five propane tanks if each one were  
24 to do it the way you propose?

25 THE WITNESS (Burns): I mean, I'm not

1 sure there's room for five separate generators and  
2 propane tanks with the spark zone. Propane tanks  
3 can be put vertically, the vertical propane tanks,  
4 but they still need a 10-foot offset. So some of  
5 those generators may need a different fuel source  
6 as in diesel.

7 THE WITNESS (Libertine): We're also  
8 kind of jumping and making the leap of faith that  
9 other carriers are using generators as backup. We  
10 really only have Verizon, AT&T in some situations,  
11 but not all, but the other providers that are  
12 active have traditionally not used back-up  
13 generation via these generators. So I would just  
14 put that on the record that that's not something  
15 they're using as pair of their market plan.

16 THE CHAIRMAN: Okay. Separate  
17 question, because it comes up in every hearing,  
18 and I just wondered if we get it briefly from  
19 Verizon, the issue of extending the tower 20 feet,  
20 and do we know what the federal law is on this  
21 issue. I also believe from the Council's  
22 standpoint I think there have been a few of these.

23 But my question really is for Verizon,  
24 I mean, how would you determine if hypothetically  
25 if, for example, another carrier said, you know,

1 the height where you're proposing to put our  
2 facilities is just -- we'd prefer it be higher.  
3 Does that just become a business, if they're  
4 willing to come up with the money to pay for  
5 another 20 feet, is that how you do it? I mean,  
6 how does that work? Because that is a little bit  
7 sometimes the elephant in the room, you know, this  
8 extra 20 feet. So can you give a generic answer  
9 to a generic question on how that works?

10 THE WITNESS (Vergati): Homeland Towers  
11 typically overdesigns these towers for the unknown  
12 for the future, in this case the potential 20-foot  
13 expansion. What we would do is certainly any  
14 future carrier requesting a higher height would  
15 need to go before the Siting Council and justify  
16 the need for the additional height. If they can  
17 justify it and it's approved, we would certainly  
18 through the contractual entitlement portion put an  
19 extension on the pole if it was approved through  
20 the Siting Council.

21 THE CHAIRMAN: Okay.

22 Mr. Mercier.

23 MR. MERCIER: I just want to follow up  
24 to an earlier question by Dr. Klemens in that  
25 regard, the BL Companies' drawings. And I think

1 he asked the question was the tower shown in the  
2 correct location as it is proposed today. But I'm  
3 looking at EX-2, and it does show at 146 feet to  
4 the south property line. So I just want to know  
5 was the tower subsequently moved farther south?

6 THE WITNESS (Burns): The tower was  
7 moved, and the survey was not updated. So the  
8 site plans aren't correct. This survey is not.

9 MR. MERCIER: Is there any reason for  
10 the move? I'm just curious.

11 THE WITNESS (Burns): The tower was  
12 moved when Homeland was discussing with the town  
13 where they wanted us within the yard, the DPW  
14 yard, and they asked us to move as far south as  
15 possible, and that's when we moved to the location  
16 we're at now.

17 MR. MERCIER: Okay. Thank you.

18 THE CHAIRMAN: Any other questions?

19 (No response.)

20 THE CHAIRMAN: If not, we'll adjourn  
21 this portion of the hearing and reconvene at 7  
22 p.m. for the public session. Thank you.

23 (Whereupon, the witnesses were excused,  
24 and the above proceedings were adjourned at 4:15  
25 p.m.)

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CERTIFICATE

I hereby certify that the foregoing 61 pages are a complete and accurate computer-aided transcription of my original stenotype notes taken of the Council Meeting in Re: DOCKET NO. 467, HOMELAND TOWERS, LLC AND CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A TELECOMMUNICATIONS FACILITY LOCATED AT 100 POCONO ROAD, BROOKFIELD, CONNECTICUT, which was held before ROBERT STEIN, Chairman, at the Brookfield Town Hall, Room 133, 100 Pocono Road, Brookfield, Connecticut, on August 2, 2016.

  
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Lisa L. Warner, L.S.R., 061  
Court Reporter

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I N D E X

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MICHAEL LIBERTINE

MARIA MONTROSE

RAYMOND VERGATI

EXAMINERS:

Mr. Mercier 11

Mr. Lynch 14

Dr. Klemens 15

The Chairman 16

Mr. Ashton 19

Mr. Hannon 21

Mr. Levesque 52

APPLICANT'S EXHIBITS

(Received in evidence)

EXHIBIT	DESCRIPTION	PAGE
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II-B-1	Application for a Certificate	11
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of Environmental Compatibility and  
Public Need filed by Homeland Towers,  
LLC and Cellco Partnership d/b/a  
Verizon Wireless, received June 6,  
2016, and attachments and bulk file  
exhibits including:



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

2

3 EXHIBIT DESCRIPTION PAGE

4 II-B-1a Technical Report, dated 11  
5 December 16, 20156 II-B-1b Town of Brookfield Zoning 11  
7 Regulations8 II-B-1c Town of Brookfield Wetlands 11  
9 and Watercourses10 II-B-1d Town of Brookfield 2015 Plan 11  
11 of Conservation and Development12 II-B-2 Applicant's Sign Posting 11  
13 Affidavit, dated July 14, 201614 II-B-3 Applicant's responses to 11  
15 Council interrogatories, dated  
16 July 14, 201617 II-B-4 Applicant's Affidavit of 11  
18 Publication, dated July 26, 2016

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