

STATE OF CONNECTICUT  
SITING COUNCIL

\* \* \* \* \*

NEW CINGULAR WIRELESS PCS, LLC \* FEBRUARY 22, 2012  
\* (1:05 p.m.)  
\*

PETITION FOR A DECLARATORY RULING \*  
THAT NO CERTIFICATE OF \*  
ENVIRONMENTAL COMPATIBILITY AND \*  
PUBLIC NEED IS REQUIRED FOR THE \* PETITION NO. 1010  
PROPOSED INSTALLATION OF A \*  
CONCEALED TOWER ON A WATER TANK \*  
AND ASSOCIATED EQUIPMENT AT A WATER \*  
TREATMENT PLANT LOCATED AT \*  
455 VALLEY ROAD, GREENWICH \*  
\* \* \* \* \*

BEFORE: ROBIN STEIN, CHAIRMAN

BOARD MEMBERS: Larry P. Levesque, DPUC Designee  
Brian Golembiewski, DEP Designee  
Edward S. Wilensky  
James J. Murphy, Jr.  
Dr. Barbara Currier Bell  
Colin C. Tait

STAFF MEMBERS: Linda Roberts, Executive Director  
Christina Walsh, Siting Analyst  
Melanie Bachman, Staff Attorney

APPEARANCES:

FOR THE PETITIONER NEW CINGULAR WIRELESS PCS, LLC  
(AT&T):

CUDDY & FEDER LLP  
445 Hamilton Avenue, 14th Floor  
White Plains, New York 10601  
BY: CHRISTOPHER B. FISHER, ESQUIRE

FOR THE INTERVENORS LEE AND KAORI HIGGINS,  
PETER AND ELIZABETH JANIS, AND RICHARD AND SUSAN  
KOSINSKI:

BERCHEM, MOSES, AND DEVLIN, P.C.  
27 Imperial Avenue  
Westport, Connecticut 06880  
BY: IRA W. BLOOM, ESQUIRE  
MARIO F. COPPOLA, ESQUIRE

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1                   . . .Verbatim proceedings of a hearing  
2 before the State of Connecticut Siting Council in the  
3 matter of a Petition by New Cingular Wireless PCS LLC  
4 (AT&T) for a Declaratory Ruling, held at the Connecticut  
5 Siting Council, 10 Franklin Square, New Britain,  
6 Connecticut, on February 22, 2012 at 1:05 p.m., at which  
7 time the parties were represented as hereinbefore set  
8 forth . . .

9  
10  
11                   CHAIRMAN ROBIN STEIN: Ladies and  
12 gentlemen, I'd like to call to order a meeting of the  
13 Connecticut Siting Council regarding Petition No. 1010  
14 today, Wednesday, February 22nd, 2012, approximately 1:05  
15 p.m. My name is Robin Stein, I'm Chairman of the  
16 Connecticut Siting Council. This hearing is held in  
17 continuation to a hearing that was on February 9th, 2012  
18 at the Greenwich Town Hall, Cone Conference Center in  
19 Greenwich. It's held pursuant to the provisions of Title  
20 16 of the Connecticut General Statutes and of the Uniform  
21 Administrative Procedure Act upon petition from New  
22 Cingular Wireless PCS, LLC for a declaratory ruling that  
23 no Certificate of Environmental Compatibility and Public  
24 Need is required for the proposed installation of a

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1       concealed tower on a water tank plus associated equipment  
2       at the water treatment plant located at 455 Valley Road,  
3       Greenwich, Connecticut. This petition was received by  
4       the Council on October 5th, 2011.

5                   A verbatim transcript will be made of this  
6       hearing and deposited with the Town Clerk's Office in the  
7       Greenwich Town Hall for the convenience of the public.

8                   We will proceed in accordance with a  
9       prepared agenda, copies of which are available here. We  
10      do have a motion to strike from AT&T, dated February  
11      21st, 2012. Attorney Bachman, would you wish to comment?

12                   MS. MELANIE BACHMAN: Thank you, Mr.  
13      Chairman. Yesterday afternoon the petitioner filed a  
14      motion to strike the pre-filed testimony of the  
15      Intervenor's witness, Mr. Maxson. Mr. Maxson is present  
16      here in the hearing room and is prepared for cross-  
17      examination. I would recommend that we let the pre-filed  
18      testimony in for what it's worth and allow the petitioner  
19      to cross-examine Mr. Maxson in accordance.

20                   CHAIRMAN STEIN: Do I have a motion to  
21      deny the request.

22                   A MALE VOICE: So moved.

23                   A MALE VOICE: I second.

24                   CHAIRMAN STEIN: I have a motion and

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1 second. Any further discussion? Hearing none, all those  
2 in favor of the motion signify by saying aye.

3 VOICES: Aye.

4 CHAIRMAN STEIN: Opposed? Abstention?  
5 The motion carries. We will now continue with the  
6 appearance of the petitioner, New Cingular Wireless, but  
7 before that, is there any member, either public officials  
8 or from the public who wish to make a statement at this  
9 time? Hearing and seeing none we'll now go to the  
10 appearance by the Petitioner, New Cingular Wireless, PCS,  
11 who have submitted a new exhibit since the February 9th  
12 hearing. We'll mark this as Roman Numeral II, items B-8  
13 on the hearing program. Attorney Fisher, would you  
14 please verify the new exhibit you have filed and verify  
15 the exhibit by the appropriate sworn witnesses?

16 MR. CHRISTOPHER FISHER: Good afternoon  
17 Chairman and members of the Council. Attorney  
18 Christopher Fisher here on behalf of the Petitioner. We  
19 did respond to Intervenor interrogatories, they're dated  
20 February 16 as the Chairman noted. They incorporate  
21 objections and responses to the Intervenor's questions.

22 The witnesses have previously been sworn,  
23 so I'll ask each, did you assist in the preparation and  
24 prepare responses to the interrogatories dated February

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1 16th, 2012?

2 MS. JACLYN SWENSON: Yes I did.

3 MR. ANTHONY WELLS: Tony Wells, yes.

4 MR. PETER PERKINS: Peter Perkins, yes.

5 MR. DEAN GUSTAFSON: Dean Gustafson, yes.

6 MR. FISHER: And do you have any  
7 corrections or modifications to the responses that you  
8 prepared and assisted in?

9 MR. WELLS: Tony Wells, no.

10 MS. SWENSON: Jaclyn Swenson, no.

11 MR. PERKINS: Peter Perkins, no.

12 MR. GUSTAFSON: Dean Gustafson, no.

13 MR. FISHER: And as to those responses  
14 that were provided, are the true and accurate to the best  
15 of your belief?

16 MR. WELLS: Tony Wells, yes.

17 MS. SWENSON: Jaclyn Swenson, yes.

18 MR. PERKINS: Peter Perkins, yes.

19 MR. GUSTAFSON: Dean Gustafson, yes.

20 MR. FISHER: Chairman, we would ask that  
21 you accept the limited responses that were provided as  
22 evidence and address the objections as noticed.

23 CHAIRMAN STEIN: Does any party or  
24 Intervenor object to the admission of the petitioner's

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1 newly exhibits?

2 MR. IRA BLOOM: No, Mr. Chairman, we  
3 don't.

4 CHAIRMAN STEIN: Thank you. The exhibit  
5 is admitted.

6 (Whereupon, Petitioner Exhibit No. 8 was  
7 received into evidence as a full exhibit.)

8 CHAIRMAN STEIN: We will now go to cross-  
9 examination, first by staff. Ms. Walsh?

10 MS. CHRISTINA WALSH: Thank you Mr.  
11 Chairman. Do the noise emissions from the proposed site  
12 comply with the Department of Environmental -- Department  
13 of Energy and Environmental Protection regulations?

14 MR. FISHER: I think we would have to look  
15 at that for our compliance question, but generally  
16 speaking, you can address that.

17 MR. PERKINS: Yeah, right. The sound  
18 levels for the unit at 73 decibels is equivalent to about  
19 a washing machine sound. So I would assume that those  
20 are within the regulatory limits.

21 MS. WALSH: At the property boundaries  
22 you're saying?

23 MR. PERKINS: Yes. Well, that's at the  
24 unit. At the property boundary it's even less than that.

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1 It's about the sound level of an electric toothbrush or  
2 a coffee percolator.

3 MS. WALSH: Okay. Have you studied the  
4 compliance of the property at all? Have you assessed the  
5 property to determine if Aquarion would be considered a  
6 Class E emitter or a Class C emitter?

7 MR. PERKINS: No. I did not look that  
8 information up.

9 MS. WALSH: And the noise would  
10 predominantly be from the air conditioner?

11 MR. PERKINS: That's correct.

12 MS. WALSH: And is there any other noise  
13 emitting sources besides potentially a backup generator?

14 MR. PERKINS: Yes. Potentially a backup  
15 generator, if one were to be used.

16 MS. WALSH: Okay. What is the height of  
17 those trees that are immediately adjacent to the water  
18 tank?

19 MR. PERKINS: The White Pines in the range  
20 of 90 to 100 feet.

21 MS. WALSH: Were those taken into account  
22 at all when analyzing the radio frequency coverage of the  
23 area?

24 MR. WELLS: The models use a general

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1 cluttered height per se, so there's not enough resolution  
2 in the databases to say this particular tree is 100 feet,  
3 and then five feet away there's an 80 foot tree. There's  
4 not enough resolution in the database to account for  
5 that. But the model --

6 MS. WALSH: Do you have a professional  
7 opinion about if those trees being adjacent to the water  
8 tank would affect the coverage in any particular way?

9 MR. WELLS: It'll affect it somewhat, and  
10 we've done over the years several drive tests in  
11 environments like this, and that's predominantly what we  
12 based the model on. And any obstruction in the general  
13 area will have some impact, but it's not like there's a  
14 significant density of trees in the area, so the impact  
15 is somewhat minimized based on our experience with drive  
16 testing in the past.

17 MS. WALSH: So by saying there may be  
18 somewhat of it effect, is that a reduction in the signal  
19 level in the whole general area, or is it just blocking  
20 the signal where it aligns with the trees in particular?

21 MR. WELLS: In general, where it aligns  
22 with the trees. From that particular angle you would be  
23 somewhat blocked, but again, the density of those is  
24 somewhat minimal so it's not -- it's not -- I hate to

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1 reuse the word significant, because there is some impact,  
2 but the model I believe is fairly representative of those  
3 conditions get based on drive testing that we've done in  
4 similar areas and similar clutter heights that we see  
5 here.

6 MS. WALSH: Okay. Thank you. Has AT&T  
7 analyzed the capability of the vent on top of the water  
8 tank for structurally supporting the proposed antennas?

9 MR. PERKINS: We did not look specifically  
10 at the tank vent. We looked at the tank as a whole.

11 MS. WALSH: Right. The tank itself, the  
12 size of the tank you're speaking of, or just the  
13 installation of the proposed modification?

14 MR. PERKINS: The vent is a small  
15 protrusion from the roof of the tank and we did not look  
16 at that. We did not design any connection details at  
17 this point. We looked at the tank for global stability  
18 to see if it even has the potential to be able to carry  
19 increased wind area. The analysis of isolated areas of  
20 connection points, that will occur if the site is  
21 approved, and will be submitted for building plans -- for  
22 a building plan review.

23 MS. WALSH: Okay. Thank you. No further  
24 questions. Thank you.

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1 CHAIRMAN STEIN: Mr. Wilensky, do you have  
2 any questions?

3 MR. EDWARD WILENSKY: I know at the last  
4 hearing and what we have here, is there any -- there  
5 seems to be some concern about the backup generator, or  
6 the backup system that might be used for backup. Is  
7 there any danger as far as the applicant would be  
8 concerned that it could -- there could be pollutants that  
9 could be used there that might have an effect on the  
10 water supply? Mr. Gustafson?

11 MR. GUSTAFSON: For -- for the backup  
12 generator?

13 MR. WILENSKY: For leakage or whatever? I  
14 mean, there seems to be some concern about that and what  
15 would your answer be to that? In other words, the backup  
16 -- what do you use for backup power?

17 MR. GUSTAFSON: Well, ideally, in this  
18 location --

19 MR. WILENSKY: Not ideally, what would you  
20 use in this situation, in this application?

21 MR. GUSTAFSON: -- I would recommend  
22 propane would be the fuel source.

23 MR. WILENSKY: Pardon? I'm sorry?

24 MR. GUSTAFSON: I would recommend propane

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1 be the fuel source for this. If it -- if it requires to  
2 be diesel, then typically, these backup generators  
3 essentially have tertiary containment, so it's a belly  
4 tank with another wall surrounding the fuel tank and it  
5 also has sensors for if there's any interior leakage of  
6 fuel. So there are safety precautions that are put into  
7 place in these type of backup generators to help avoid  
8 any type of fuel release.

9 MR. WILENSKY: To the best of your  
10 knowledge Mr. Gustafson has there ever been a problem  
11 with a backup fuel supply as far as leakage goes in other  
12 installations?

13 MR. GUSTAFSON: I'm probably not the most  
14 appropriate person to ask that question to based on my  
15 limited experience, I have been involved in any  
16 facilities that it had an issue.

17 MR. WILENSKY: Who would have that answer?  
18 Mr. Wells?

19 MR. WELLS: I can't say for certain that  
20 there has never been one, but I think if -- I'm tied in  
21 fairly close with a number of carriers and I think I  
22 would've heard something about it if something -- if it  
23 did happen, if there was a significant leak. And I've  
24 never heard of a portable generator leak. Again, not to

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1 say that there hasn't been one, but it's a good  
2 probability if there was one I would have heard about it  
3 and I've just never heard of the generator leak for a  
4 portable generator.

5 MR. WILENSKY: And what were you using in  
6 this application, diesel or -- and what were you using  
7 for backup power in this application?

8 MS. WADLER: In this application we're  
9 proposing battery backup and if for an extended period we  
10 would propose to bring in a backup generator, portable  
11 generator.

12 MR. WILENSKY: Thank you, Mr. Chairman.

13 CHAIRMAN STEIN: Thank you. Professor  
14 Tait?

15 MR. COLIN TAIT: Is there any reason for  
16 the backup generator that you could not use propane?

17 MR. FISHER: The only -- I'm not answering  
18 your question, but speaking with respect to the client,  
19 they generally have a pool of generators, backup  
20 temporary generators, and they're generally diesel. I  
21 don't know of any specific reason why they could not. It  
22 just might be a source issue for their purposes, a  
23 procurement issue.

24 MR. TAIT: If you do bring in a diesel

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1 generator. What sort of containment does the portable  
2 one have? With a battery you don't have any -- there's  
3 no spillage, but with the portable one?

4 MR. FISHER: The --

5 MR. PERKINS: Like Dean was saying,  
6 typically they come with a double wall tank, you know, a  
7 spill containment built within the unit. There are other  
8 --

9 MR. TAIT: Ocean tankers do too.

10 MR. PERKINS: -- there are additional  
11 things that can be done. Like, a generator can be placed  
12 within a portable containment vessel that can be a backup  
13 to the backup. In addition, this site -- all of the  
14 grading from this site is all downhill from the water  
15 intake. So if the fail-safes provided don't work then  
16 whatever fuel there is wouldn't be flowing into the  
17 intake of the water system, it would be flowing downhill,  
18 downstream. You know, any requirement -- I assume that  
19 if there are specific concerns and the Council would like  
20 specific requirements and make that a part of approval,  
21 then AT&T would have to abide by that.

22 MR. TAIT: Are you aware of other antennas  
23 on water tanks?

24 MR. PERKINS: Yes.

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1 MR. TAIT: Have there been any problems  
2 with those antennas on water tanks that you're aware of?  
3 Or anybody on the panel's been aware of?

4 MR. PERKINS: I am not aware of any  
5 problems.

6 MR. TAIT: Does the applicant have some of  
7 them themselves on water tanks?

8 MR. WELLS: Yeah, we have several  
9 installations on water tanks.

10 CHAIRMAN STEIN: Let me just follow up and  
11 make sure I understand backup, because there's the backup  
12 that would be permanently on the site that you're  
13 proposing to have as battery. So that's --

14 MR. WELLS: Correct.

15 CHAIRMAN STEIN: -- what I understand.  
16 But the backup to that in the case that we had a longer  
17 outage than the battery, you know, would be still good  
18 for, which you would be bringing a portable generator to  
19 the site, can those portable generators, can they also  
20 run on propane?

21 MR. PERKINS: Yes. You can get portable  
22 generators to run on propane.

23 CHAIRMAN STEIN: So -- and I think to  
24 follow-up from your response to Professor Tait, you would

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1 not be opposed, if the Council were to place a condition,  
2 that the backup had to be propane, is that something you  
3 could live with?

4 MR. FISHER: If there was a condition  
5 imposed that if AT&T employed a backup generator and it  
6 had to be propane, I think my client would understand  
7 that condition.

8 MR. TAIT: Would you prefer the condition  
9 that you bring in tertiary backup, something to put the  
10 generator in? Which would you prefer?

11 MR. FISHER: Can you make it an either/or?

12 MR. PERKINS: If it's liquid fuel then it  
13 has a portable containment vessel, or if it's propane  
14 then it doesn't need it.

15 MR. TAIT: Yes. Okay.

16 MR. FISHER: Because the net effect -- I  
17 think the client would be okay with either condition. I  
18 think the net effect may be that in the event of a  
19 prolonged power outage they just may not have the ability  
20 to bring in any temporary generator, which would be  
21 something that would be part of their practices for the  
22 site. They could certainly live with I think either  
23 condition though, and I think that would be something  
24 that would be understood.

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1 CHAIRMAN STEIN: Okay. Mr. Golembiewski?

2 MR. BRIAN GOLEMBIEWSKI: Thank you  
3 Chairman. Mr. Perkins, the sounds coming from the  
4 equipment shed, essentially the AC, there can be  
5 mitigation performed or insulation or whatever so that it  
6 wouldn't meet noise regulations, is that correct?

7 MR. PERKINS: Well, I don't know that we  
8 don't meet DEP regulations, but perchance that they  
9 didn't, there are things that can be done, yes.

10 MR. GOLEMBIEWSKI: Okay. And there are  
11 other units in a residential area that have been approved  
12 before?

13 MR. PERKINS: Oh, yes. Yes.

14 MR. GOLEMBIEWSKI: Okay. So no matter  
15 what, whether it needs mitigation or not it ultimately  
16 will meet the standards?

17 MR. PERKINS: Yes.

18 MR. GOLEMBIEWSKI: Okay. Thank you. In  
19 regards to your study on the integrity of the tank, I  
20 read through a report that talked about the wind and that  
21 it wouldn't knock it over --

22 MR. PERKINS: Correct.

23 MR. GOLEMBIEWSKI: -- and maybe I missed  
24 it, or maybe it was some of the calculation after, did

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1 you actually do a study that showed that the weight of  
2 the installation on the tank, the tank integrity, not  
3 wind, but just the tank itself could hold -- there's  
4 enough integrity that it could take that additional  
5 weight on top?

6 MR. PERKINS: Yeah. That -- there's kind  
7 of two parts to that. One would be the capacity of the  
8 soil, and that we did not look at specifically, because  
9 the weight of water is so substantial compared to the  
10 weight of this equipment that it's almost negligible.  
11 And based on my experience --

12 MR. TAIT: Could you quantify -- could you  
13 quantify that statement?

14 MR. PERKINS: -- could I quantify it?

15 MR. TAIT: Weight of the water in the  
16 tower --

17 MR. PERKINS: The weight of the equipment  
18 would be less than one percent of the weight of the water  
19 in the tower and based on my experience that when we do  
20 do these calculations, when we get approval and then we  
21 move forward with the design, we do these calculations  
22 that it always comes out as I described, that the weight  
23 of the equipment is very small compared to the weight of  
24 the tower. The second part of that would be the weight

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1 of the equipment on the metal shell of the water tank  
2 itself. And again, based on my experience I found that  
3 typically these water tanks are stressed in the 50  
4 percent of capacity range and that the weight of the  
5 equipment doesn't come anywhere near to exceeding the  
6 capacity of the metal. Again, those -- I have not done  
7 those calculations yet, that's why we look at global  
8 stability first and then if the site gets approved then  
9 we get into the finer details of the connection to the  
10 shell itself and then the analysis of principal stresses  
11 in the shell of the tank and soil forces.

12 MR. GOLEMBIEWSKI: So, would there be a  
13 chance that the tank itself would need to be reinforced  
14 with a metal band or something?

15 MR. PERKINS: I mean, I would say yeah,  
16 there's the potential for that. But I doubt it.

17 MR. GOLEMBIEWSKI: But unlikely?

18 MR. PERKINS: I doubt it would need it.

19 MR. GOLEMBIEWSKI: Okay. Alright. My  
20 last two questions are for Mr. Gustafson. Currently,  
21 when we went to the Aquarion site, you know, cars are  
22 parked there, I did see some catch basins, I mean, there  
23 could be fuel leaks from vehicles on site currently.  
24 Where does that fuel go? Do you know offhand if they

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1 have any subsurface oil grit chambers or I mean --

2 MR. GUSTAFSON: I'm not aware of any type  
3 of spill containment or storm water treatment that they  
4 have in place. Taking a look at the catch basins,  
5 there's two catch basins that are essentially downgrade  
6 of the existing water tank, and those are connected to a  
7 closed drainage system that discharges south of the dam,  
8 or downstream of the water intake and the proposed  
9 facility would follow the same drainage. But I'm not --  
10 it didn't look like they were hoods on the catch basins,  
11 so, you know, any floatable's, you know, would  
12 potentially have the -- would potentially have the  
13 ability to flow through that drainage system and release  
14 further downstream of the dam.

15 MR. GOLEMBIEWSKI: Okay. Last question.  
16 In some of the pre-filed testimony, there was a lot of  
17 concern in regards to the wetlands. Could you just  
18 quickly summarize what you think the potential risk to  
19 the wetlands are and overall what the impact of the  
20 project would be?

21 MR. GUSTAFSON: The wetlands in proximity  
22 to the proposed project are essentially classified as a  
23 developed -- in this case, a developed riverfront. There  
24 is concrete retaining walls, both old and new, that

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1 essentially form the wetland boundary in proximity to the  
2 project. The way the drainage flows near the proposed  
3 facility and the water tank, it flows into the closed  
4 drainage system and would be discharged downstream of the  
5 dam, so there would be little risk for release of say  
6 sediment during construction activities that would affect  
7 the public water supply intake.

8 That being said, you know, during --  
9 should the facility receive approval from the Council and  
10 during the development of management plan, appropriate  
11 erosion and sedimentation controls should be included in  
12 the final design, including putting silk socks on the  
13 catch basins to trap any sediment and those species  
14 should be monitored carefully during construction. And  
15 also, any staging of construction equipment or material  
16 should be ensured that it's down -- potentially  
17 downstream of the water tanks. So either from the water  
18 tank or further south, because if you move, you know, say  
19 50 feet north of the water tank into an area where  
20 there's essentially a large concrete pad that area does  
21 have the potential to sheet runoff into the river. So  
22 certain protective measures and precautions should still  
23 be taken during construction activities to ensure there's  
24 no impact.

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1                   And with those proper protective measures.

2           I see that the project would not have a significant  
3   adverse effect to the Mianus River or any of the wetland  
4   systems associated with that river.

5                   MR. GOLEMBIEWSKI: What about any impacts  
6   to the functions and values of the Mianus River there in  
7   the long-term?

8                   MR. GUSTAFSON: For long-term impacts the  
9   facility is essentially unmanned, it doesn't generate a  
10  lot of traffic. It essentially is a self-contained  
11  equipment shelter. It is being proposed within the  
12  essentially existing developed disturbed area that's  
13  utilized by Aquarion currently, so I see no effect on the  
14  functioning values of the Mianus River system long-term  
15  with the proposed facility.

16                   MR. GOLEMBIEWSKI: Thank you. Thank you,  
17  Chairman.

18                   MR. GUSTAFSON: You're welcome.

19                   CHAIRMAN STEIN: Mr. Levesque?

20                   MR. LARRY LEVESQUE: Mr. Perkins, in the  
21  event of another --

22                   COURT REPORTER: Mr. Levesque, move the  
23  microphone.

24                   MR. LEVESQUE: -- in the event of another

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1 significant storm and this antenna is out with others,  
2 and the workman work a couple of 16 hour days, they're  
3 asked to go put some portable generators in at this  
4 particular site if it was approved, they're are going to  
5 be looking at a garage with some gasoline and some diesel  
6 generators, correct?

7 MR. PERKINS: I'm not sure of AT&T's  
8 practices and how they distribute emergency supplies.

9 MR. LEVESQUE: Okay. Mr. Wells, I mean,  
10 do you think that everybody is going to remember to open  
11 up the approval from the Department after -- a couple of  
12 years after it's approved?

13 MR. WELLS: I'd have to look into that.  
14 Generally they do through their network operations  
15 center. They do have notes and access instructions and  
16 everything else on a per site basis.

17 MR. LEVESQUE: There could be, you know,  
18 easily a human error in just putting out equipment, they  
19 want to get it back up online --

20 MR. WELLS: Yeah. That's not beyond the  
21 realm of possibility. But I'm not exactly familiar with  
22 their procedure as far as exactly what is the protocol.  
23 I could inquire into that.

24 MR. LEVESQUE: Sure.

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1 MR. WELLS: I would think though, because  
2 before they roll that generator, they would have to know,  
3 is there a hook up there, and I think there would be some  
4 notes for that particular field, but I'd have to look  
5 into that for you to get a definitive answer.

6 MR. LEVESQUE: And maybe a higher  
7 percentage safety method, like Mr. Gustafson's suggestion  
8 for just putting in a permanent propane generator to  
9 start with.

10 MR. WELLS: Yeah, that would certainly be  
11 an option.

12 MR. LEVESQUE: Thank you, Mr. Chairman.

13 CHAIRMAN STEIN: Senator Murphy?

14 MR. JAMES MURPHY: Thank you, Mr.  
15 Chairman. Going back to the capacity -- the water tank,  
16 Mr. Perkins, if you or anyone else on the panel knows,  
17 does Aquarion do their own test as to what stress might  
18 be added to their water tank when they are about to enter  
19 into an agreement such as this with AT&T?

20 MR. PERKINS: They have -- we have a  
21 contact with Aquarion that we pass through -- pass our  
22 plans through, the concept plans through. I don't know  
23 whether they have an engineering department that will  
24 review it, but they do look at the plans and then if this

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1 does proceed to final plans I'm sure they'll want to see  
2 all our calculations and they will have stipulations and  
3 requirements for the installation.

4 MR. MURPHY: When AT&T approached them  
5 about -- I'll refer to it as this new proposal as to the  
6 antennas, in comparison to the one the Greenwich already  
7 approved, does this add stress and weight to the tower in  
8 comparison to the one that's already approved?

9 MR. PERKINS: I'm not that familiar with  
10 the one that was already approved. But my understanding  
11 is this one has concealment around the antennas which  
12 does create a greater wind surface. So by that measure I  
13 would say this one probably has a greater load on the  
14 existing structure.

15 MR. MURPHY: And I take it that this  
16 proposal as it was submitted to us has been submitted to  
17 Aquarion before you came to us with this proposal?

18 MS. SWENSON: Yes, it was.

19 MR. MURPHY: It was, okay. Alright. And  
20 just so I have it clear, Mr. Wells, you had indicated  
21 that your modeling takes into account that not all the  
22 trees are the same size based upon your drive test and so  
23 forth. And so the close proximity to some of the trees  
24 that may be in close proximity to this proposed tower is

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1 really a component of your model as you've developed it  
2 based upon your drive tests over the years?

3 MR. WELLS: It's a component based on past  
4 drive test over the years. But as I said, it's not --  
5 you don't -- there's not enough resolution -- you have  
6 two databases, a couple of databases, but two primary  
7 databases when you're doing propagation modeling. One is  
8 the clutter type, the other is just simple ground  
9 elevation. There is not enough resolution, in any  
10 clutter database that I'm aware of that says, okay, in  
11 this particular area, within five feet of this coordinate  
12 here's one tree at 60 feet and then 20 feet away there's  
13 another tree at 90 feet. So it isn't -- it's an  
14 accumulation of drive test experience and similar  
15 environments that we base this particular model on.

16 And in this case, with this site, as you  
17 know, there are still some -- it still leaves some gaps  
18 in the network, so we tried to maximize the coverage  
19 available without having to build an entirely new  
20 structure there. And so that's the way we arrived at  
21 current height.

22 MR. MURPHY: So I guess my bottom line  
23 question is, I assume you have viewed the site and you  
24 realize what we're talking about as far as the trees and

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1 proximity and what have you?

2 MR. WELLS: I have, yes.

3 MR. MURPHY: So, with the propagation's  
4 that have been put forth from your office as a part of  
5 this application, what's your confidence level as to how  
6 the representative of what a facility on this proposed --  
7 this proposed facility on this tower will be as far as  
8 the effectiveness of this tower?

9 MR. WELLS: I have a fairly high  
10 confidence level that the coverage area predicted is  
11 pretty much as represented. There will certainly be  
12 variations in that, especially at these heights. Clutter  
13 is a significant factor. And as I say, we've done  
14 several -- many drive tests over the years at these  
15 heights to see what the impact of general clutter is in  
16 these types of environments and we've developed those  
17 models over the years to account for that. And, you  
18 know, as I said, the clutter databases being what they  
19 are, it's not going to be 100 percent accurate, but  
20 having done countless drive tests in this type of  
21 environment I'm confident that the general area that  
22 we're depicting will be covered as represented in our  
23 plots.

24 MR. MURPHY: Thank you. That's my

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1 questions, Mr. Chairman.

2 CHAIRMAN STEIN: Just in follow-up to that  
3 on the trees. The trees that we've been talking about  
4 are on the Aquarion property, is that correct?

5 MR. GUSTAFSON: They are. They're in  
6 proximity to the existing water tank.

7 CHAIRMAN STEIN: So I guess my question  
8 is, if, and I stress the word if, if this were to be  
9 approved and then built and you found that the trees did  
10 have more impact than you think they will would there be  
11 anything to stop you from just cutting them down?

12 MS. SWENSON: We wouldn't have permission  
13 from Aquarion to do that to begin with. They wouldn't  
14 allow us to cut trees down.

15 CHAIRMAN STEIN: Okay.

16 MR. FISHER: Those are Aquarion's trees  
17 essentially and one issue we did raise for consideration  
18 in the petition was one of the trees and whether it  
19 should be removed, but that's ultimately an Aquarion  
20 question.

21 MR. TAIT: So in other words, independent  
22 of you they could just cut the trees down at any time?

23 MR. FISHER: They may, but they would be  
24 subject to whatever the rules of the town of Greenwich

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1 are.

2 MR. TAIT: Yes, yes, but not come before  
3 us or require your permission?

4 MR. FISHER: Exactly.

5 CHAIRMAN STEIN: Dr. Bell?

6 DR. BARBARA BELL: Thank you, Mr. Chair.  
7 Mr. Perkins, regarding the tank and what it will or won't  
8 support, as I understand it, you're already going to  
9 build some kind of support there for the structure that  
10 will hold the antennas. Is that correct? Because the  
11 antennas are kind of in the center of a hollow cylinder,  
12 essentially, and you need to have some way to distribute  
13 the weight of those antennas over to the edges of the  
14 cylinder, just as -- just to handle the physics, and you  
15 are going to do that, correct?

16 MR. PERKINS: That is correct, yes.

17 DR. BELL: Okay. So I just wanted to  
18 remind people that these are not going to be suspended in  
19 space in the middle of this cylinder. Now, going back to  
20 the question Mrs. Walsh asked you about the noise.  
21 You're in -- in Tab 3 of your response to the Intervenor  
22 you have a table of the noise that's made by a whole,  
23 let's see, one, two, three, four, five, seven types of  
24 air conditioners, or models of air conditioners, correct?

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1 MR. PERKINS: That's correct.

2 DR. BELL: So, I'm not sure if Mrs. Walsh  
3 made it explicit, but I think I'd like to make it  
4 explicit that you select what air conditioner you're  
5 going to use, or if not, select then do this for all of  
6 them, and look at what the DEEP noise regulations  
7 specifically are having to do with emissions at the  
8 property line from Class A, B, C, whatever it is, to  
9 Class A, B, C, and specify in the D&M plan exactly  
10 whether the one you've chosen or all of these comply with  
11 DEEP regulations just so that we have a sense -- does  
12 that seem feasible?

13 MR. PERKINS: Yes. Yes, absolutely.

14 DR. BELL: Okay. Thank you. A question  
15 to Mr. Wells. Are you going to try and direct the  
16 antennas that are here at the proposed site to -- in a  
17 certain direction as opposed to, you know, generally 360  
18 around the facility? Are you going to give equal weight  
19 to your three sectors or are you going to wait more, or  
20 get more direction to one sector, or some set of sectors?

21 MR. WELLS: In this case I think we'll  
22 give equal weight to each sector. The area is somewhat  
23 uniform in the challenges we have for propagation, so the  
24 antennas would probably be the same on each sector.

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1 DR. BELL: Okay. Thank you. Those are my  
2 questions Mr. Chair.

3 CHAIRMAN STEIN: Thank you. Professor  
4 Tait?

5 MR. WELLS: And I guess, if I could just  
6 clarify that? There's always -- well, at this height I  
7 guess it's not relevant, but even when you talk sectors  
8 and where you point them and which antennas you use  
9 there's often a down tilt variable in there that has some  
10 play. But I think given our limited elevation to begin  
11 with here downhill is not going to be a big factor.

12 DR. BELL: Thank you, Mr. Chair.

13 MR. TAIT: I understand that the water  
14 tank is empty now, is that correct?

15 MR. PERKINS: It's our understanding that  
16 the water tank is not empty.

17 MR. TAIT: Is not empty, it's full?

18 MR. PERKINS: Correct.

19 MR. TAIT: And its used for back washing.  
20 I thought last Thursday somebody said it was empty? You  
21 did the tests as --

22 MR. PERKINS: We assumed it was empty for  
23 the overturning analysis.

24 MR. TAIT: -- and if it was full. Would

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1 it be more likely or less likely to turn -- fall over?

2 MR. PERKINS: It'll be less likely to be  
3 pushed over if it was full.

4 MR. TAIT: Because of the --

5 MR. PERKINS: Right.

6 MR. TAIT: -- and its used for back  
7 washing?

8 MR. PERKINS: I have heard that that's  
9 what it's used for.

10 MR. TAIT: Can you explain what back  
11 washing is? In your answer on page 4 to question nine it  
12 says, water is first pumped into the tank from a clear  
13 well, what do you mean by clear well?

14 MR. FISHER: That comes directly from  
15 Aquarion. So the extent that the panel can answer --  
16 that -- that actual response came directly from Aquarion  
17 as to what it's used for and how it's operational.

18 MR. PERKINS: Back washing -- they use a  
19 sand filter for filtering of water --

20 MR. TAIT: From the raw water to the  
21 drinking water?

22 MR. PERKINS: -- correct. And that  
23 filter, as any filter, it gets clogged. It's designed to  
24 get clogged.

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1 MR. TAIT: So you push the water back out?

2 MR. PERKINS: And then -- right, you turn  
3 your valves around and then you push water backwards  
4 through the sand and flush all that sediment into  
5 someplace where they dry it and haul it away to a  
6 landfill.

7 MR. TAIT: And the clear water -- the  
8 clear well is what, is that an actual well or does it  
9 come out of the river or what?

10 MR. PERKINS: It's -- it's a term used for  
11 several different things. A clear well I've heard  
12 referred to a chamber in the bottom of the tank in which  
13 -- in the water tank that we're talking about, in which a  
14 pipe comes into and they use that for emptying or filling  
15 the water tank. So that's a well in the bottom where the  
16 pipe comes in. I've also heard it in reference to a  
17 containment vessel of water that has been primary  
18 filtered, so there's no contaminants in it, so you're not  
19 pumping leaves and debris into your tank. So, I've heard  
20 it used that way as well.

21 MR. TAIT: And then it's discharged into  
22 where?

23 MR. PERKINS: Again, I don't know the  
24 exact operations of their facility, but they would take -

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1 - I assume they're taking water after a primary  
2 filtration to get rid of all of the debris, pumping it  
3 into the tank, and then they use the pressure from the  
4 tank to backwash their sand filter and where that water  
5 goes I assume they remove the debris from the backwash  
6 and then the water goes back into the river and the  
7 debris goes to the landfill.

8 MR. TAIT: Where does the water come from,  
9 the well or from the river?

10 MR. PERKINS: I assume from the river.

11 MR. TAIT: There's no well on the  
12 property?

13 MR. PERKINS: Right. The well is just a  
14 term for the containment vessel that they hold the  
15 primary filtered water.

16 MR. TAIT: Thank you.

17 CHAIRMAN STEIN: Any other questions at  
18 this point either staff or Council members? If not,  
19 we'll go to the Intervenor. Attorney Coppola, do you  
20 have cross-examination?

21 MR. MARIO COPPOLA: Yes. For the record,  
22 Mario Coppola on behalf of the Intervenors. If I may  
23 begin Mr. Chairman with cross-examination?

24 CHAIRMAN STEIN: Yes.

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1 MR. COPPOLA: Thank you. Mr. Perkins,  
2 during the February 9th during when asked about whether  
3 AT&T plans to provide any landscaping around the side of  
4 the compound that faces Valley Road is it correct that  
5 you responded, yes, we can provide whatever shrubbery.  
6 the Council so directs?

7 MR. PERKINS: That sounds correct, yes.

8 MR. COPPOLA: If that's the case, is AT&T  
9 willing to provide landscaping that will screen the  
10 compound from the neighboring properties on Valley Road?

11 MS. SWENSON: We would be limited to  
12 putting vegetation in our leased area. So we have 400  
13 square feet of lease space and we can act on the  
14 peripheral of that.

15 MR. COPPOLA: And how much space does the  
16 compound take within the 400 square feet of leased space?

17 MR. PERKINS: I think it's 300. No, 150.  
18 Let me check for you.

19 MR. COPPOLA: Okay. Take your time  
20 please.

21 MR. PERKINS: It's 100 -- the shelter is a  
22 15x10, so 150 square feet.

23 MR. COPPOLA: So you've got presumably  
24 then a few hundred square feet of leased space that's

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1 available to plant things in?

2 MS. SWENSON: We have 400 square feet. If  
3 we were asked to plant outside of that, we would have to  
4 get permission from Aquarion to do so. It would be  
5 totally up to them.

6 MR. COPPOLA: Well, let's start with the  
7 first question, which is, within the 400 feet --

8 MS. SWENSON: Square feet.

9 MR. COPPOLA: -- square feet of leased  
10 space is a correct then to say that if the compound is  
11 approximately 150 square feet then you'd have another  
12 approximately 250 square feet of space to use for  
13 plantings, is that correct?

14 MR. PERKINS: Approximately. I mean,  
15 there'd have to be room for a pathway to get from the  
16 door.

17 MR. COPPOLA: Sure. Of course. I  
18 understand that part.

19 MR. PERKINS: Okay.

20 MR. COPPOLA: That's reasonable. Okay.  
21 So within the area of the leased space that AT&T does  
22 control, is AT&T willing to put plantings in that area to  
23 screen the compound from the neighboring properties on  
24 Valley Road?

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1 MS. SWENSON: Okay. Well, you're saying  
2 screen the compound, the equipment is already screened by  
3 the shelter of course, the shed. The shed is a screening  
4 to begin with. We could soften that up a bit by putting  
5 some plantings around the perimeter of that.

6 MR. COPPOLA: But the question is, the  
7 compound, which is also I guess known as the shed, that  
8 structure, correct?

9 MS. SWENSON: Okay.

10 MR. COPPOLA: Is it possible for AT&T to  
11 put plantings to screen that compound from the  
12 neighboring properties on Valley Road?

13 MS. SWENSON: We could plant -- we would  
14 be willing to plant around the perimeter of that shed.

15 MR. COPPOLA: But just -- I want to get an  
16 answer to my question, which is, is it possible to screen  
17 the compound from the neighboring properties on Valley  
18 Road? I want to start with that first.

19 MR. TAIT: How tall is the shed?

20 MR. FISHER: I just wanted a clarification  
21 on the question.

22 MR. TAIT: I did to.

23 MR. FISHER: Is the question, can we  
24 screen from adjoining properties in that area, or can we

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1 plant in that area? Because they're not exactly the same  
2 question.

3 MR. COPPOLA: No. The first question is,  
4 is it possible to screen the compound from the  
5 neighboring properties on Valley Road? And the next  
6 question is, if that's the case, then is AT&T willing to  
7 do it?

8 MR. TAIT: In the area of the compound?

9 MR. COPPOLA: In the area of the compound,  
10 yes.

11 MR. TAIT: Not off the compound. So can  
12 you screen it within the area of the compound? Yes,  
13 depending on how high the building is. How high is the  
14 building?

15 MR. PERKINS: Right. The building is  
16 approximately 12 feet high, including the peaked roof, so  
17 we've already -- for this facility we've already added  
18 the brick veneer and the peaked roof, which is non-  
19 standard, to make it look like it fits in with the  
20 property. So that was our attempt at screening and  
21 already softening the visual effects. To put plantings  
22 around that brick equipment shelter, yes, we would be  
23 willing to do that. We can and would be willing to do  
24 that.

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1 MR. COPPOLA: Thank you. That was --

2 MR. TAIT: That didn't take us too long.

3 MR. COPPOLA: -- okay. And if AT&T is  
4 willing to do that is AT&T willing to present a  
5 landscaping plan, which would be administratively  
6 approved by the Siting Council, with regard to that  
7 request?

8 MS. SWENSON: Yes. It would also have to  
9 be approved by Aquarion.

10 MR. COPPOLA: But if I -- okay. You said  
11 it has to be approved by Aquarion, but previously you  
12 stated that you only had to get approval from Aquarion  
13 for any area outside of the 400 square feet of leased  
14 space, which is under your control, is that correct?

15 MS. SWENSON: I'm sorry. You didn't  
16 stipulate, so -- in the general sense we would have to  
17 get permission from Aquarion. Within our leased area we  
18 can certainly do the plantings.

19 MR. COPPOLA: So within the 400 square  
20 feet of leased space within your control you do not have  
21 to get approval from Aquarion to put plantings in that  
22 area, is that correct?

23 MS. SWENSON: That's correct.

24 MR. COPPOLA: And so, if there's a

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1 landscaping plan which requires some plantings outside of  
2 that area, then that would have to be subject to approval  
3 from Aquarion?

4 MS. SWENSON: That is correct.

5 MR. COPPOLA: Okay. Thank you very much.

6 MR. TAIT: And if there are plantings  
7 within that area. We would like to see them on the D&M  
8 plan. Not surprise me.

9 CHAIRMAN STEIN: Dr. Bell?

10 DR. BELL: May I ask a question to Mr.  
11 Coppola?

12 CHAIRMAN STEIN: Sure.

13 DR. BELL: To try to clarify. The  
14 building that they're talking about, which is their  
15 compound, in back of it is the tank. On one side of it  
16 is a very high bank, which I don't know the height of it,  
17 but you might want to ask them the height of it to  
18 understand where you want this landscaping that you're  
19 describing as screening from Valley Road. Now, so that's  
20 two sides I've described. When you're coming up Valley  
21 Road this structure is going to be somewhat -- coming  
22 upriver along the road, which is paralleling the river,  
23 the building is somewhat screened by trees, by part of  
24 the bank, and other things. You might want to consider

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1 that. And then there's one other side, which is from the  
2 other side of the river, I'm just looking to ask you to  
3 describe more closely what you mean by screening from  
4 Valley Road? What are you looking for on these four  
5 sides, which I've tried to describe from what I remember  
6 of being on site?

7 MR. COPPOLA: Well, first of all, the  
8 question was one that was asked, I believe by Ms. Walsh,  
9 at the February 9th hearing as to whether AT&T could  
10 provide landscaping around the compound in the area that  
11 faces Valley Road. So I guess I was starting with the  
12 premise that AT&T had said that it would be willing to  
13 provide whatever shrubbery the Council directs, and so I  
14 was starting with that area, which is also Valley Road  
15 being the area where three of the Intervenors who are  
16 with me today also have their properties. So I guess  
17 starting with the Valley roadside. Certainly, if this  
18 compound is visible from other areas or angles if any  
19 plantings can be provided that would provide further  
20 screening that would be beneficial certainly.

21 DR. BELL: Well, okay. Maybe when we get  
22 to your panel this may be appropriate and we can ask  
23 questions. Thank you.

24 MR. COPPOLA: That might be -- yeah, I

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1 think maybe would even be --

2 MR. TAIT: Lawyers never testify.

3 DR. BELL: I know.

4 MR. COPPOLA: The Intervenors may be in a  
5 better position to make those assessments and I'm sure  
6 they'd be more than happy to provide their thoughts.  
7 Also, Mr. Chair, if it would be helpful, we do have some  
8 blown up pictures of the site while were having some  
9 testimony with regard to plantings that can be provided  
10 there. Would it be helpful for me to take out these  
11 pictures that we have? I understand once they're  
12 presented at the public hearing --

13 MR. TAIT: Well, it seems to me they have  
14 to be verified by your witnesses and you'll be doing your  
15 witnesses -- if it wouldn't be too much problem I would  
16 suggest that they come in with your witnesses.

17 MR. COPPOLA: That's what I was planning  
18 to do. But if it was helpful now I could give them to  
19 AT&T if AT&T wanted --

20 MR. TAIT: I think it would be more  
21 helpful later. Let's get on with this.

22 MR. COPPOLA: -- okay. Mr. Perkins,  
23 during the February 9th hearing is it correct that you  
24 testified that you didn't think it would be possible to

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1 conceal the proposed tower with plantings on the subject  
2 property?

3 MR. PERKINS: The antennas on the water  
4 tank, the screening around the antennas on the water  
5 tank, I believe that it would be, you know, difficult  
6 unless -- if not impossible to completely conceal that  
7 from view with plantings.

8 MR. COPPOLA: How large of a tree can be  
9 planted on the subject property?

10 MR. PERKINS: I don't know.

11 MR. GUSTAFSON: Based on my assessment of  
12 the soil conditions and the proximity to the proposed  
13 shelter I would recommend trees no larger than eight to  
14 10 feet tall be planted in that area.

15 MR. COPPOLA: And why is that?

16 MR. GUSTAFSON: I think the soils are  
17 somewhat droughty in that area. They may be a little  
18 thin to bed rock, so putting -- you'd have a much higher  
19 success rate of survivability planting a smaller tree as  
20 opposed to a larger one, which, you know, there's a  
21 tremendous amount of stress put on transplanting large  
22 trees or shrubs. So basically you'd have a much higher  
23 survivability rate using smaller trees.

24 MR. COPPOLA: And in time how tall could

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1 the trees that you would recommend grow to?

2 MR. GUSTAFSON: In this particular case,  
3 you may want to consider using something like arborvitae  
4 and arborvitae could grow 30, 40 feet tall.

5 MR. COPPOLA: And would that be tall  
6 enough to provide cover to the -- screening to the  
7 proposed tower?

8 MR. GUSTAFSON: No, it wouldn't.

9 MR. COPPOLA: Is there any other type of  
10 tree that could be planted there that would provide any  
11 screenings for the proposed tower?

12 MR. GUSTAFSON: Not within the available  
13 lease area.

14 MR. TAIT: On the Valley Road side, the  
15 east side is it, more or less, there's a bank there, then  
16 the road. Is there any space on the bank to plant trees  
17 with Aquarion's approval so that you are starting from  
18 the base of the tower, can you get a leg up on that side  
19 of the tower?

20 MR. GUSTAFSON: There does appear to be  
21 available area on that slope that you could attempt to  
22 plant some trees.

23 MR. TAIT: And it would be the same  
24 limitations as you testified to? Or could you -- would a

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1 survivability rate mean that you could get a larger tree  
2 there?

3 MR. GUSTAFSON: I would still use the same  
4 constraint for size and you'd also need to consider, you  
5 know, that there's going to be clearing limbs to some of  
6 the utilities along Valley Road. So I think with some  
7 careful planning you could propose some plantings on that  
8 slope.

9 MR. TAIT: How high is Valley Road above  
10 the base of the water tower?

11 MR. PERKINS: Well, Valley Road is on a  
12 continuous grade, so right at the water tower Valley Road  
13 is about 10, 11 feet above the base of the water tower.

14 MR. TAIT: It's possible, I suppose not  
15 at, but somewhere there, you might be able to get a tree  
16 in higher than the base of the tower, but lower than  
17 Valley Road?

18 MR. PERKINS: Yes.

19 MR. GUSTAFSON: Correct.

20 MR. TAIT: With permission of the  
21 landowner?

22 MS. SWENSON: Correct.

23 MR. FISHER: Mr. Tait, just one other  
24 thing that we would have to also look at is there some

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1 town easements in that area as well as I understand on  
2 the Aquarion property that may limit them.

3 MR. COPPOLA: So just as a point of  
4 clarification then Mr. Gustafson. Is it your testimony  
5 then that there could be some plantings on the property,  
6 which would shield and would eventually shield or screen  
7 the proposed tower with that in order to plant those  
8 trees or shrubs you'd have to get approval from Aquarion?

9 MR. GUSTAFSON: You still may not, even  
10 with those conditions, you still may not achieve  
11 concealment of the actual tower -- water tank tower  
12 facility.

13 MR. COPPOLA: And how would we determine  
14 whether or not you would be able to achieve concealment?

15 MR. GUSTAFSON: I think that it's a  
16 difficult task considering the soil conditions on that  
17 slope, and trying to use trees of sufficient height that  
18 won't have enough of a -- won't simply spread too wide  
19 horizontally to result in conflicts with utilities and  
20 clearance requirements on Valley Road.

21 MR. COPPOLA: Would AT&T be willing to  
22 retain a landscape architect to determine if plantings  
23 could be placed at the subject property, which would  
24 eventually provide screening of the proposed tower?

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1                   CHAIRMAN STEIN: Mr. Coppola, I think  
2 he's, you know, he's answered your question. I mean,  
3 there is, obviously, the other question is well if you  
4 plant trees and they're so tall then is the thing going  
5 to even work? Which, you know, we have staff, we can --  
6 if we ever get there in a D&M we can look at it and to  
7 the best -- to see how you can conceal at least -- I  
8 think the answer you're getting is, you know,  
9 collectively we can do the best we can, but if you're  
10 asking for -- unless the applicant is willing to do it in  
11 ironclad guarantee the trees are going to totally block  
12 the view. You know, we're spending an awful lot of time  
13 on and I don't think you're going to get that answer.

14                   MR. COPPOLA: Okay. Well, I guess I  
15 wasn't looking for guarantee. At first I was just trying  
16 to determine if there was a willingness to do it, because  
17 so far, AT&T hasn't offered to do so. So that's what I  
18 was trying to first determine.

19                   MR. FISHER: I can address it. A comment  
20 I guess in response to a question on behalf of -- our  
21 position with proceeding is that the proposal is screened  
22 by its very nature with the concealment as part of the  
23 structure. And we would still be willing to have our  
24 witnesses answer questions about what additional -- what

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1 I would call aesthetic landscaping might be able to be  
2 achieved, but if the Intervenor wanted to hire a  
3 landscape architect that would certainly be something  
4 they could do. I don't think that AT&T is prepared to do  
5 that as part of this. But we would, as the witnesses  
6 have testified, be willing to incorporate whatever  
7 recommendations and also addressing whatever constraints  
8 exist out there into a plan.

9 MR. TAIT: Has AT&T ever in the interest  
10 of screening from neighbors put screening material on the  
11 neighbor's property at AT&T's expense or shared expense?

12 MS. SWENSON: Not that I know of, no.

13 MR. TAIT: Have you considered doing it in  
14 this particular case, for those that are most adversely  
15 affected?

16 MS. SWENSON: No, we have not.

17 MR. COPPOLA: As a follow-up question, if  
18 the three properties located across the street from this  
19 site owned by Mr. Janis, Mr. Kosinski and Mr. Higgins are  
20 willing to allow AT&T to provide plantings on their  
21 properties to provide some screening from the proposed  
22 tower would AT&T be willing to do so?

23 MR. FISHER: Can we go off the record and  
24 have a quick consult with your counsel?

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1 CHAIRMAN STEIN: Okay. I'll just tell  
2 you, this is not something that the Council can require.

3 If you want to work out some side agreement between the  
4 applicant and the parties that's fine, but it's really  
5 not something that the Council can --

6 MR. TAIT: It seems that a higher  
7 elevation and shorter trees makes the math work better.

8 MR. FISHER: -- here's the best response I  
9 can give as counsel for AT&T as opposed to answering your  
10 question is, we would consider anything in the context of  
11 a more global understanding with respect to this facility  
12 and the neighbors, and that discussion should take place  
13 outside this forum.

14 MR. COPPOLA: Yes.

15 MR. FISHER: We understand completely what  
16 the Council's authority is.

17 CHAIRMAN STEIN: That's what I was trying  
18 to say. Thank you.

19 MR. TAIT: So do we.

20 CHAIRMAN STEIN: Mr. Coppola, can we go  
21 on?

22 MR. COPPOLA: Yes. Would AT&T be willing  
23 to cover the tower with any sort of additional shrubbery,  
24 such as ivy to provide some sort of cover?

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1 MR. PERKINS: Structurally the answer  
2 would be no. Ivy is very detrimental to the steel and to  
3 the paint system, so I would say no structurally, and I  
4 doubt Aquarion would allow that on the structure because  
5 it just accelerates deterioration.

6 MR. COPPOLA: So is the answer no then?

7 MR. PERKINS: Yeah. Well, I mean,  
8 Aquarion owns the tower, so if they asked me my  
9 recommendation to them would be no.

10 MR. TAIT: No Kudzu? It's fast growing.

11 (Laughter)

12 MR. COPPOLA: I guess, what's AT&T's  
13 answer to the question subject to -- subject to  
14 Aquarion's approval?

15 MS. SWENSON: Well, Aquarion would not let  
16 us do that because they periodically paint the tank.

17 MR. COPPOLA: Well, subject to Aquarion's  
18 approval, they are not here today to testify to answer  
19 the question, so would AT&T be willing to provide that so  
20 long as Aquarion approved it?

21 MR. WELLS: As the Chairman correctly  
22 pointed out, we do have some RF considerations and  
23 listing to this discussion I'm a little unclear. When  
24 you're saying a tower, I mean, we're talking about the

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1 water tank and are you suggesting that we grow ivy or  
2 whatever you said all the way up the existing -- to hide  
3 the structure that currently exists? Or do you want that  
4 ivy to extend into our platform and wraparound our  
5 antenna structure?

6 MR. COPPOLA: Onto the proposed tower by  
7 AT&T, not on the water tank.

8 CHAIRMAN STEIN: Could you keep it to yes  
9 or no answers so that we could go on?

10 MR. PERKINS: Yeah. No.

11 MR. COPPOLA: Okay. So the answer is no.

12 Thank you. Is AT&T willing to agree to limits on the  
13 hours of operation during construction of the proposed  
14 tower?

15 MR. PERKINS: Yeah. Yes.

16 MR. COPPOLA: Would AT&T be willing for  
17 example to agree to limit the hours of operation of  
18 construction to Monday through Friday during the hours of  
19 8:00 a.m. to 5:00 p.m.?

20 MR. FISHER: I think we could look at a  
21 suggestion, if you have one. Usually, the town has  
22 regulations as well.

23 A MALE VOICE: I don't have any particular  
24 concerns about that.

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1 MR. COPPOLA: Just as a part of  
2 clarification --

3 CHAIRMAN STEIN: It sounds like this could  
4 be worked out between counsel rather than --

5 MR. FISHER: But generally AT&T is willing  
6 to consider limitations on hours of construction as long  
7 as they're reasonable and they're able to do the job.

8 CHAIRMAN STEIN: It sounds like a D&M plan  
9 coming.

10 MR. WILENSKY: I'm just wondering, how  
11 long is construction for something of this type, both the  
12 compound and the --

13 MR. PERKINS: You know, I think I gave an  
14 answer at the previous hearing. I'd be afraid to  
15 contradict that, but there's not a lot of work --

16 MR. WILENSKY: Lie a little bit.

17 MR. PERKINS: -- you know, if it's in the  
18 range of three months or something, maybe in that range,  
19 because this is a fairly simple site. A lot of the  
20 structural steel is prefabricated, it's just brought up  
21 and bolted together and then the shelter is a  
22 prefabricated unit and they're out. So I'll go with that  
23 three-month range.

24 MR. WILENSKY: Okay. Thank you. Thank

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1       you Mr. Chairman.

2                   MR. COPPOLA: Just as a point of  
3 clarification, because the statement was made that that's  
4 something that's generally handled by like town  
5 regulations, that's actually not the case. In the land-  
6 use context, whether you're before the zoning board of  
7 appeals or a planning and zoning commission, with regards  
8 to limits on hours of operation that would be a condition  
9 of approval that would be set forth by the administrative  
10 agency generally in the land-use context for an  
11 application that would be before a planning and zoning  
12 commission. For example, such as AT&T was before the  
13 Greenwich Planning and Zoning Commission with an  
14 application for land-use and the tower.

15                   CHAIRMAN STEIN: Okay. Can you go to the  
16 cross-examination?

17                   MR. COPPOLA: Sure. If the proposed tower  
18 is constructed is AT&T also willing to limit the hours  
19 during which the subject property can be serviced by any  
20 employees or contractors of AT&T?

21                   MR. WELLS: That would be difficult. I  
22 mean, if a failure occurs in the middle of the night then  
23 it needs to be rectified. But we're not talking -- once  
24 we're in operation we're not talking about dragging a

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1 crane there at midnight. If a failure occurs after hours  
2 it's generally an electronic failure and you'll have a  
3 technician drive up with an SUV, entered the shelter, and  
4 do some work within there. But to restrict those hours I  
5 don't think -- number one, I don't think it makes a lot  
6 of sense, because it's not intrusive. And number two, it  
7 affects the operation of the site.

8 MR. COPPOLA: Well, with the exception of  
9 any emergencies or power outages, for regular  
10 maintenance, for example?

11 MR. FISHER: To the extent it relates to a  
12 condition you may seek the Council to impose AT&T's  
13 answer would be no, they wouldn't agree specifically to  
14 certain limitations on their access. They generally have  
15 a 24/7 requirement for operational purposes access to  
16 their facilities. That's typically incorporated into  
17 their leases. If there was a specific concern we could  
18 certainly try to address it, but generally no, they won't  
19 agree to those kinds of limitations on their access to a  
20 site.

21 MR. TAIT: Routine maintenance is what,  
22 once a month?

23 MR. WELLS: Generally once a month. Yes.

24 MR. TAIT: By one truck, one person?

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1 MR. WELLS: SUV, yes, SUV-type vehicle.

2 MR. TAIT: And how long does a visit take  
3 generally?

4 MR. WELLS: It ranges, sometimes as little  
5 as an hour, sometimes the tech might be there for four  
6 hours, depending on what's going on. Sometimes if you're  
7 integrating say -- you might be integrating a new  
8 alarming platform, or hooking up a new device for  
9 alarming, so that takes a little longer. But again, it's  
10 an SUV that pulls up, the guy works inside, he's working  
11 inside the shelter and fairly unobtrusive -- in it  
12 unobtrusive.

13 MR. COPPOLA: As requested in  
14 interrogatory number three, if AT&T has any information  
15 or documents in its possession in which AT&T relied upon  
16 when it evaluated the subject property with regard to  
17 radio frequencies, why should AT&T not be required to  
18 provide this information, documents or other evidence to  
19 the Connecticut Siting Counsel?

20 MR. FISHER: I guess that relates to our  
21 objection. And we could argue on the objection if you'd  
22 like.

23 CHAIRMAN STEIN: I guess if you want to --  
24 I'm not sure, since that given their response, I mean, if

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1 you want to argue is this going to be on every response  
2 they've made? Are we going to have this --

3 MR. COPPOLA: No.

4 CHAIRMAN STEIN: -- let me ask you. How  
5 does this specifically relate? And then, do you have, I  
6 guess -- and then AT&T, do you have a response other than  
7 what you responded in the interrogatory?

8 MR. COPPOLA: Well, Mr. Chairman, I guess  
9 the point is we don't know if there were any RF studies  
10 or any other evidence regarding radio frequency coverage  
11 about this -- regarding this particular site that AT&T  
12 has not provided to us. We've asked for it in the  
13 interrogatories and they objected to the request. So  
14 first of all, we just don't know if there's any  
15 information in AT&T's possession that they are choosing  
16 not to provide to the Siting Council.

17 CHAIRMAN STEIN: Okay.

18 MR. FISHER: Chairman, we have several  
19 responses that interrogatory. First and foremost would  
20 be, at least as it relates to radio frequency design, is  
21 its relevance to this proceeding. The proceeding and the  
22 legal question the Council has to ask is whether this  
23 pole has substantial adverse environmental effects. So  
24 we object to it on the grounds of relevance.

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1           The other, if you look at the question,  
2           the question asks for any and all papers, reports,  
3           records, and communications, that's the type of  
4           interrogatory at least I'm accustomed to seeing in a  
5           court of law, and would require the type of discovery  
6           where I would go to my client's offices and whether it's  
7           e-discovery, paper discoveries and days there trying to  
8           pull out boxes of things that Mr. Wells at AT&T  
9           internally may have looked at, all of their e-mails, all  
10          of their communications, we think that that is burdensome  
11          and over broad for the purposes of this proceeding, even  
12          if it was relevant. So we've objected on those grounds.

13                 MR. COPPOLA: I guess, the alternate  
14                 question is, does AT&T -- does anybody on the panel today  
15                 know of any information with regard to radio frequency  
16                 coverage here which hasn't been provided to the Council?

17                 I mean, that's really what we were trying to request  
18                 here.

19                 MR. FISHER: I don't believe that's the  
20                 question. I think you could even assume for purposes of  
21                 your question that there is information that AT&T has  
22                 internal that's proprietary and that we believe shouldn't  
23                 have to be produced in this administrative proceeding.

24                 CHAIRMAN STEIN: Hasn't AT&T in the

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1 submission to the Council provided information on  
2 coverage? I mean, I know there's been some disagreement  
3 by the Intervenors, but haven't you provided that?

4 MR. FISHER: Yes, we have. We've provided  
5 reports, coverage maps, information related to that  
6 question, at least at to radio frequencies, yes we have.

7 CHAIRMAN STEIN: And Mr. Coppola, this is  
8 the normal process where they've provided and obviously  
9 there's an opportunity to raise questions about it.

10 MR. COPPOLA: There's no disagreement that  
11 they've provided that information. The question was just  
12 whether there's any other relevant information that they  
13 have that they're choosing not to provide. For example,  
14 Mr. Wells testified that they've done a number of  
15 different drive tests in the past, I assume that was with  
16 regard to this property. So the point is, just if the  
17 information that AT&T has and is choosing not to provide,  
18 we'd like to know. And if the answer is that to the best  
19 of their knowledge there's no other information regarding  
20 radio frequencies readily available to them today that  
21 they're not providing, then so be it. But we just want  
22 an answer to the question.

23 MR. FISHER: That's not our answer to the  
24 question. We've objected to the question as being over

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1 broad and burdensome and not relevant.

2 CHAIRMAN STEIN: I'm going to ask Attorney  
3 Bachman to --

4 MS. BACHMAN: Attorney Coppola, to the  
5 extent that Mr. Wells has already provided information on  
6 coverage and radio frequencies that you may feel as if it  
7 needs to be fleshed out a little more feel free to ask  
8 Mr. Wells any questions as to what's already in the  
9 record. But it seems to me that they're indicating  
10 they're not withholding any information, that whatever  
11 studies that were done in an ongoing review of this  
12 particular site Mr. Wells is certainly the expert answer  
13 any questions you have on that information.

14 MR. COPPOLA: Well, I guess the question  
15 is, is there any other information relevant to the radio  
16 frequency coverage here at the subject property that has  
17 been provided that AT&T knows of would be helpful here.

18 MR. WELLS: I think from the layman's  
19 point of view, I think as I listen to this, my confusion  
20 is how deep do you go and what do you want to provide?  
21 Because I can go back to my undergraduate studies and if  
22 there's relevant in my Electromagnetic Theory I that I  
23 could drag out that textbook and bring it in here, but  
24 I'm going to fill up this room with articles I've read.

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1 And in respect to the drive test, we didn't do a  
2 particular drive test for this particular site. But for  
3 me to bring in every drive test that I've done over the  
4 past 10, 15 years, one, a lot of it's not AT&T drive test  
5 that we've relied on to build this data, but in general,  
6 there are no other propagation -- this is the result of  
7 the studies. There may have been a draft as we were  
8 tuning the model according to some other drive test, but  
9 I mean --

10 MR. COPPOLA: I think that might be a  
11 sufficient answer. That's all we're trying to find out.

12 MR. GOLEMBIEWSKI: I just want to ask a  
13 question. Have you accurately characterize the gap in  
14 coverage in this area?

15 MR. WELLS: To the best of our ability  
16 without actually performing a drive test at the site, but  
17 relying on drive tests for similar sites at similar  
18 heights and similar topography, yes, I have.

19 MR. GOLEMBIEWSKI: Thank you.

20 MR. WELLS: And that is represented in  
21 what we submitted.

22 MR. GOLEMBIEWSKI: Thank you.

23 MR. COPPOLA: With regard to what you  
24 submitted -- let me retract that question. You said that

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1 -- did you just state that the information that you  
2 provided was based on other drive tests, not necessarily  
3 relating to the subject property, is that correct?

4 MR. WELLS: Any good model is an  
5 accumulation of years of experience in model tuning  
6 adjustments over time. If we take a propagation model  
7 out-of-the-box and load up the software and run it on its  
8 default settings we may as well use a box of crayons and  
9 a piece of paper. So yes, it is based on significant  
10 experience and different drive tests over the years in  
11 similar morphologies, heights similar to this.

12 MR. COPPOLA: Mr. Wells, at the February  
13 9th hearing is it correct that when asked by one of the  
14 Commissioners, is there any area other than this water  
15 tank that would suffice and serve AT&T, you responded,  
16 none we can find?

17 MR. WELLS: I don't remember that exact  
18 statement, but certainly there are -- there are certainly  
19 areas if we were to build a new tower that would work,  
20 and certainly at different heights in different  
21 elevations. So I don't remember my exact response, but  
22 no existing structures that we could find that would  
23 suffice to cover this area. If we went to -- if we want  
24 a little further north on some higher elevation and build

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1 a 180-foot tower, yes, then we could provide equivalent  
2 and actually better coverage. We tried to -- we looked  
3 for an existing structure that would provide this  
4 coverage and this is what we found.

5 MR. COPPOLA: Did you look anywhere within  
6 Greenwich?

7 MR. WELLS: I don't know if we did a  
8 search for existing structures within Greenwich, but --

9 MS. SWENSON: Well we -- yes, there were  
10 no other existing structures in the town of Greenwich  
11 that were leasable. We looked at other to also build,  
12 you know, a small tower as well and there was nothing  
13 that we could find that was feasible. Whether it would  
14 work for RF we did provide a list of sites that we looked  
15 at that were not leasable.

16 MR. COPPOLA: With regard to those sites  
17 that you examined and that were cited in response to I  
18 believe Intervenor's interrogatory number 23 is it  
19 correct that all of those properties were located outside  
20 of the town of Greenwich?

21 MS. SWENSON: They're within the search  
22 ring and they were not through the site and, yes, they  
23 were all located in Stamford.

24 MR. COPPOLA: So to answer my question

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1 then, it's correct that AT&T did not search for any sites  
2 within the town of Greenwich?

3 MS. SWENSON: We did search for sites,  
4 these were the ones that we came up with as candidates.  
5 They happen to be outside of Greenwich, but we did not  
6 find candidates within Greenwich that we could propose to  
7 use.

8 MR. COPPOLA: Is it correct that AT&T's  
9 response to Intervenor's interrogatory number 24 states  
10 that you considered, but determined that you could not  
11 use the property at 250 Roxbury Road in Stamford because  
12 it would not meet your coverage requirements?

13 MS. SWENSON: 250 Roxbury Road? Yes,  
14 that's what we said.

15 MR. COPPOLA: Okay. With regard to the  
16 coverage capability of the site at 250 Roxbury Road --

17 MS. SWENSON: I'm sorry, 350.

18 MR. COPPOLA: -- I'm sorry, I apologize.  
19 350 Roxbury Road in Stamford, with the amount of coverage  
20 that could have been achieved by AT&T at that site was it  
21 less than the amount of coverage that could be achieved  
22 by AT&T at the subject property?

23 MR. FISHER: I have an objection to the  
24 question. On some of the lines of questioning I'm still

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1 struggling with what the relevance is to this proceeding  
2 and assessing for the Council how what's been proposed  
3 may or may not have a substantial adverse environmental  
4 effect.

5 MR. COPPOLA: The relevance is that, first  
6 of all, the petitioner here has cited a search for  
7 alternative locations in support of this petition, so if  
8 this issue wasn't relative at all then the petitioner  
9 would not have cited its search for alternative sites in  
10 support of this petition. And number two, if AT&T is  
11 able to find an alternative site that would have a lesser  
12 potential impact on the environment than the subject  
13 property, then that certainly is relevant as well to the  
14 consideration of the environmental effect of this  
15 application.

16 CHAIRMAN STEIN: Well, let me just try to  
17 reframe the question. On 350 Roxbury Road does the  
18 applicant have anything that they want to add in addition  
19 to the statement here in their response?

20 MR TAIT: That statement says the owner  
21 would not -- the owner's location would not meet  
22 coverage. I assume that he has coverage constraints of  
23 where to put it?

24 MS. SWENSON: It's my understanding that

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1       there were wetlands that restricted us in that area. And  
2       also that, in other words, what it would look like on  
3       paper first, look like, gee, this might be a good area,  
4       and we got out there and it was wetlands that wouldn't  
5       work.

6                       MR. TAIT: I see 350 was not your reason,  
7       your reason was it would not meet coverage objectives.

8                       MS. SWENSON: No, I realize that, but I'm  
9       saying, we moved because of an area that looked like it  
10      would work. We had to move to another area where the  
11      landlord would not allow us to build.

12                      MR. COPPOLA: I guess just as a follow-up  
13      question. With regard to this, 350 Roxbury Road property  
14      what was potential coverage that could have been achieved  
15      there?

16                      MR. FISHER: Chairman, I don't want to  
17      belabor the objection. I guess what I'm trying to assess  
18      here is --

19                      MR. TAIT: We understand your --

20                      MR. FISHER: -- this is not a certificate  
21      proceeding.

22                      MR. TAIT: -- we understand that. Simple  
23      answers might get us further been debating that here.  
24      Would it work at a height if the owner would allow you to

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1 go on his property?

2 MR. FISHER: We may have to confer, pull  
3 out notes, and take a look at that.

4 MR. TAIT: Homework assignment.

5 MR. FISHER: Okay.

6 CHAIRMAN STEIN: Were going to take a  
7 break in a few minutes and maybe you --

8 MR. TAIT: I don't want a thing to do, I  
9 just want to know what -- it sounds like you said it  
10 would work but the location wouldn't work, that's how I'm  
11 understanding it.

12 MR. FISHER: I appreciate that the Council  
13 is looking for answers to typical questions of a  
14 certificate proceeding, but I am asserting an objection  
15 here because this line of questioning -- we didn't raise  
16 alternatives in our petition, the Intervenors have raise  
17 alternatives as part of their objections. So we've  
18 responded with information and it's the kind of  
19 information that generally this Council receives and  
20 wants to inquire into in a certificate proceeding. Our  
21 legal position has been that none of that is legally  
22 relevant to the question at hand. While we can endeavor  
23 to get an answer, my general overall legal point would  
24 be, assume that any of the sites we've looked at might

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1 work at some relevant tower height --

2 MR. TAIT: Why don't we have counsel come  
3 up -- take a break and have the counsel come to the  
4 bench?

5 COURT REPORTER: Are we off the record?

6 MR. TAIT: Off the record.

7 (Off the record)

8 CHAIRMAN STEIN: I'd like to go back on  
9 the record. I think where we left off, 350 Roxbury Road,  
10 nobody mentioned where it is, but I guess it is in  
11 Stamford. Does the applicant wish to expand briefly on  
12 their comment on A-24?

13 MR. FISHER: Chairman, I had an  
14 opportunity to confer with Ms. Swenson and Mr. Wells, and  
15 if you also look at response to interrogatory A-23, this  
16 property is Temple Beth El in Stamford. We had a chance  
17 to try to pull out notes, and other files, and at this  
18 particular site, if you look at answer 23, was looked at  
19 in 2009 by a predecessor to Ms. Swenson, who is no longer  
20 employed by SAI, so some of the information in these  
21 interrogatories are coming from notes and other documents  
22 kept on file by AT&T.

23 We'd have to inquire further, but to the  
24 extent that Mr. Wells can try to address the question,

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1 you know, he may have to do more information, because I  
2 believe the question was, would it be viable at some  
3 height, and what height would that be? I think that was  
4 what your question was.

5 So that's the information we have  
6 available. We would have to do more work to actually  
7 analyze that and I don't believe that's legally relevant  
8 to this proceeding.

9 MR. TAIT: One question, and I think let's  
10 leave it. Where the owner would permit it won't work,  
11 yes or no? As far as you know?

12 MR. WELLS: I don't believe so. We looked  
13 at the general --

14 MR. TAIT: Thank you.

15 MR. WELLS: -- okay.

16 CHAIRMAN STEIN: Yes or no answers  
17 sometimes are helpful.

18 MR. WELLS: Yes.

19 CHAIRMAN STEIN: Okay. Now let's go on.  
20 Mr. Coppola?

21 MR. COPPOLA: Mr. Wells, do you agree with  
22 David Maxson's testimony that a new tower on the water  
23 tank is not necessary because the antenna is attached to  
24 the water tank without the aid of the tower will be just

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1 as effective in reaching radio frequency coverage?

2 MR. WELLS: Not based on my experience.

3 At these heights with the impact of clutter is very  
4 significant and if you're 1,000 feet above errant  
5 elevation and you drop your height from 190 to 180 feet,  
6 then yeah, a 10-foot difference is almost irrelevant in  
7 most cases. But when you're dealing as close to the  
8 clutter as we are in this location, 10 feet is a very  
9 significant impact. And, you know, we've done several  
10 drive tests at these varying -- at these height  
11 differences in similar morphology and so I do disagree  
12 with the fact that 10 feet -- I forgot the exact  
13 terminology, but in my view, 10 feet is significant.

14 MR. COPPOLA: With regard to drive tests,  
15 David Maxson's testimony he suggested that the most  
16 reliable way of addressing difference of potential  
17 coverage between a proposed tower and just placing  
18 antennas directly on the water tank would be to perform a  
19 coverage drive test, also known as a CW test with the  
20 foliage present in which the two prospective antenna  
21 heights are used. Do you agree with that testimony?

22 MR. WELLS: Doing a drive test is more  
23 accurate than a propagation model, yes.

24 MR. COPPOLA: And was that done here?

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1 MR. WELLS: It was not.

2 MR. COPPOLA: Do you agree with David  
3 Maxson's testimony that AT&T has overestimated the  
4 effectiveness of the proposed towers to provide improved  
5 service in the area because AT&T is overlooking the fact  
6 that the vegetation near the water tank is significantly  
7 higher than the proposed antenna height of the tower?

8 MR. WELLS: Not based on my experience  
9 with, again, a significant number of drive tests that  
10 we've done in similar environments and, no, I don't  
11 believe we have. And if we have, then all the more  
12 reason to keep the height where it is because if we have  
13 overestimated as you can see the results in coverage is  
14 somewhat marginal and results, you know, we'd like a  
15 little more coverage. So if the argument is that the  
16 propagation model is over predicted that even more  
17 argument to keep the proposed height that we have.

18 MR. COPPOLA: And with regard to your  
19 answer, you cited drive tests. Again, just to confirm,  
20 you haven't though conducted a drive test, as David  
21 Maxson suggested, which would be to perform a drive test  
22 --

23 MR. TAIT: I understand the answer is no.

24 MR. COPPOLA: -- okay. Just for the

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1 record?

2 MR. WELLS: We have not for the reason  
3 that, again, we are already compromising on this site.  
4 We know the impact of clutter at these heights and to  
5 drive us further into the clutter and reduce our coverage  
6 more, sorry Mr. Tait --

7 MR. TAIT: I thought the question -- I  
8 thought the question was, did you do a drive test, and  
9 the answer was resoundingly no, not at this site.

10 MR. WELLS: -- okay. Sorry.

11 MR. COPPOLA: Thank you. Do you agree  
12 with David Maxson's testimony the difference of antenna  
13 height of less than 10 feet does not produce a material  
14 difference in coverage?

15 MR. WELLS: I thought I already answered  
16 that. No.

17 MR. COPPOLA: Do you agree with David  
18 Maxson's testimony that coverage from a DAS would be more  
19 consistent and comprehensive than from a single set of  
20 antennas mounted on the water tank that is surrounded by  
21 trees?

22 MR. WELLS: I do not.

23 MR. COPPOLA: And why do you not agree  
24 with that statement made in his testimony?

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1                   MR. WELLS: A DAS system is significantly  
2 different than a tower, despite Mr. Maxson's testimony  
3 that because -- I forgot what his rationale was, that the  
4 tower was equivalent to the DAS, there's a lot of  
5 challenges with a DAS system, one of them being just pure  
6 signal to noise ratio when you're distributing a number  
7 of -- we have power limitations, you have signal-to-noise  
8 ratio limitations because of the way the DAS works  
9 diverting the fiber back to RF results in a loss of  
10 sensitivity and less received sensitivity and the power  
11 is not going to be comparable. And certainly, the height  
12 is nowhere near comparable and you're really burying  
13 yourself into the clutter with the DAS system.

14                   MR. COPPOLA: Do you agree with David  
15 Maxson's testimony that coverage from a DAS could be  
16 expanded to an area that coverage from the proposed tower  
17 cannot reach?

18                   MR. WELLS: I guess if you could put a  
19 pole anywhere you wanted, including people's private  
20 property, yeah, theoretically, that's possible, but in  
21 practice I haven't found that to be very realistic.

22                   MR. COPPOLA: So from a practical  
23 standpoint than you disagree with that statement made in  
24 his testimony?

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1 MR. WELLS: I do.

2 MR. COPPOLA: Mr. Wells, were you aware  
3 the antennas being proposed were below the tree heights  
4 when you made your coverage map for the proposed  
5 facility?

6 MR. WELLS: We were.

7 MR. COPPOLA: And did you make any changes  
8 to the computer model to account for nearby trees, which  
9 have some effect, or will have some effect on coverage?

10 MR. WELLS: Yes. We have a couple of  
11 different -- well, we have a few different models we've  
12 developed over the years and one of them is what we refer  
13 to as our low height model, for lack of -- the engineers  
14 are not here, for the marketing ability we call it the  
15 low height model. So that's what we use. It's again,  
16 based on drive tests that we've done in the past with  
17 similar environments like this where there are  
18 surrounding trees, we based the model on that, instead of  
19 using some general model.

20 MR. COPPOLA: And that was what you did in  
21 this case as well?

22 MR. WELLS: That is what we did in this  
23 case.

24 MR. COPPOLA: If the antennas of the

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1 proposed facility were above the surrounding trees.

2 Would you have adjusted your computer model differently?

3 MR. WELLS: It depends on how far above  
4 the trees.

5 MR. COPPOLA: Okay. Let's say a few feet  
6 above the trees?

7 MR. WELLS: It probably would not have  
8 been as significant an adjustment.

9 MR. COPPOLA: Mr. Perkins, on a different  
10 issue. I believe that at one point there was testimony  
11 that there was a 90 to 100 foot tall White Pine tree near  
12 the water tank, is that true? Is that correct?

13 MR. PERKINS: Yes. That's what I said,  
14 yes.

15 MR. COPPOLA: Are there other trees near  
16 the water tank that are at a height above 50 feet, to the  
17 best of your knowledge and recollection?

18 MR. PERKINS: Yeah. There's more than one  
19 tree there.

20 MR. COPPOLA: Then I guess Mr. Gustafson,  
21 I believe your testimony earlier was that it would be  
22 difficult, and even impossible for a tree to grow to a  
23 height to cover the proposed tower. If there are trees  
24 that are as high as 90 to 100 feet at the property, then

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1 why is it your position then that it would not be viable  
2 to plant trees to grow to a height of 60 feet?

3 MR. GUSTAFSON: I think the point you were  
4 making earlier was to revise full concealment of the  
5 proposed tower and I think there is a potential for  
6 conflict with planting any large -- or planting trees  
7 that will mature to a large enough size on the slope that  
8 leads up to Valley Road that would require some  
9 maintenance and trimming of those branches because of  
10 potential conflicts with the utilities and clearance  
11 requirements on Valley Road. So I think at the end of  
12 the day there are some potential scenarios where even  
13 though you may be able to plant a tree that could mature  
14 at a high enough height to provide some concealment of  
15 the facility those potential conflicts could result in  
16 still disabilities from certain areas of the tower  
17 facility.

18 MR. COPPOLA: But it is possible though  
19 than to have trees grow to a height to cover the proposed  
20 tower, is that correct?

21 MR. GUSTAFSON: It is.

22 MR. TAIT: The tower or the water tank?

23 MR. COPPOLA: The tower.

24 MR. GUSTAFSON: That was my understanding

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1 of the question, the tower on top of the water tank.

2 CHAIRMAN STEIN: Roughly, how long would  
3 it take a White Pine, because arborvitae wouldn't do it,  
4 to grow from normal planting to that height?

5 MR. GUSTAFSON: There are a lot of factors  
6 involved in that. As far as aspect --

7 CHAIRMAN STEIN: I mean, I suspect I  
8 wouldn't be alive by that time, but maybe other people  
9 here would be.

10 MR. GUSTAFSON: -- I would probably agree  
11 with that statement. I mean, you're probably talking  
12 anywhere from 50 to 70 years, possibly.

13 CHAIRMAN STEIN: Okay. Thank you.

14 MR. GUSTAFSON: But there are a lot of  
15 factors involved in the growth rate of trees.

16 MR. COPPOLA: As requested -- I just have  
17 a few more questions Mr. Chairman. As requested in  
18 interrogatories 14 through 16, why does AT&T refused to  
19 answer whether or not it has any evidence in its  
20 possession with regard to whether it's possible that the  
21 proposed tower would have a negative environmental impact  
22 on the Mianus River or the Mill Pond or any other public  
23 water source?

24 MR. FISHER: I don't think that was the

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1 question that you asked in your interrogatory.

2 MR. COPPOLA: If you could just give me a  
3 moment I'll pull that out.

4 CHAIRMAN STEIN: If it's a broad question  
5 where you're asking for all of the documents, is that the  
6 one?

7 MR. COPPOLA: Yeah, the question was  
8 whether there was any information or evidence that AT&T  
9 had with regard to any environment -- negative  
10 environmental impact on any of these public water  
11 sources. And I understand there was an objection to the  
12 question. For the record, I did try to, you know, as we  
13 do pursuant to the Connecticut practice book rules, I  
14 understand we're not a superior court proceeding, I did  
15 contact counsel to see if the question could be rephrased  
16 in order to be acceptable to counsel to answer the  
17 question of just whether there is any information in  
18 their possession -- that they know about, I guess I  
19 should say, anybody on this panel knows about with regard  
20 to any negative environmental impact on the Mianus River,  
21 Mill Pond or any other public water source. I assume the  
22 answer is no, but we'd like an answer.

23 MR. FISHER: The question that was asked  
24 in the interrogatory was a document demand, which we

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1 object to. If the question is, does someone on the panel  
2 have an opinion, I think you could ask that.

3 MR. COPPOLA: Well, not an opinion. I  
4 think the question would be then, does anybody on the  
5 panel have knowledge of any information or evidence that  
6 AT&T has in its possession --

7 MR. FISHER: That's a document demand. If  
8 you want to ask --

9 MR. COPPOLA: -- it's not a document  
10 demand, it's actually --

11 CHAIRMAN STEIN: Well, I think, what the  
12 Chairman would like -- whatever we have on the record, if  
13 you have a specific question, and this is an important  
14 issue, relating to what's been submitted, I mean, I  
15 think, you know, that's one of the key issues that your  
16 Intervenors have raised I think you should be able to ask  
17 and get an answer to a specific question relating to  
18 what's on the record.

19 MR. COPPOLA: -- I agree. And I guess the  
20 question is, does anybody on the panel today to the best  
21 of your recollection have knowledge of any information or  
22 evidence that AT&T has in its possession with regard to  
23 the potential negative impact on the Mianus River, the  
24 Mill Pond, or any other public water source from the

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1 proposed facility?

2 CHAIRMAN STEIN: But you're asking now for  
3 what's not on the record. I think the important thing,  
4 at least for the Council, is there's been information  
5 submitted on the record and I think the reason we're here  
6 is to ask or to maybe challenge or question that's on the  
7 record, while asking are there other documents that don't  
8 -- that aren't even --

9 MR. TAIT: Let me try a question. Mr.  
10 Gustafson, it's your opinion that there are no adverse  
11 effects on the Mianus River and the Mill Pond?

12 MR. GUSTAFSON: That is my opinion.

13 MR. TAIT: Are you aware of any  
14 information that you know, to your knowledge, that you  
15 would think we ought to know, or would in any way impact  
16 on your opinion?

17 MR. GUSTAFSON: I am not.

18 CHAIRMAN STEIN: Thank you Professor Tait.

19 MR. TAIT: I can ask each one of them  
20 that.

21 A MALE VOICE: If you would like.

22 MR. TAIT: I don't like.

23 A MALE VOICE: Okay.

24 (Laughter)

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1 CHAIRMAN STEIN: But you could.

2 MR. TAIT: I could.

3 MR. COPPOLA: I don't think it would be  
4 relevant to ask everybody else on the panel. But thank  
5 you. I guess lastly, with regard to an issue that was  
6 discussed earlier, you testified to earlier regarding  
7 AT&T's willingness to potentially provide plantings on  
8 neighboring properties of the Intervenors that are here  
9 today. A suggestion was made by counsel that there be a  
10 brief recess to discuss that with I believe the staff  
11 attorney. I could further ask questions on that issue  
12 or, I guess I'm asking the Chairman if you have any  
13 suggestion with regard to that issue? Which is something  
14 that the Intervenors would like to have a response about  
15 today if possible.

16 CHAIRMAN STEIN: Well, again, it's not  
17 something that the Council, you can correct me if I'm  
18 wrong, can require. That is something that we would not  
19 discourage, an agreement between the applicant and the  
20 Intervenors, but we're not in the position to require it.

21 I don't know what else you and the Intervenors can get  
22 out of -- can get out of us.

23 MR. COPPOLA: I think it would be more of  
24 an incentive to AT&T if they were able to report back to

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1 the Counsel before this proceeding ended that they were  
2 able to reach some sort of agreement on that issue.

3 CHAIRMAN STEIN: Well, I mean, I can just  
4 --

5 MR. COPPOLA: That's part of the basis  
6 behind the suggestion.

7 CHAIRMAN STEIN: -- well, yeah, but I  
8 mean, maybe it's -- it's as simple as you seem to imply,  
9 but everything from where, what kind, how much is it  
10 going to cost, I mean, these are things that normally  
11 would take, particularly when attorneys are involved,  
12 more than a few minutes at a recess.

13 MR. TAIT: There is a two-step process.  
14 One is the approval and the other is the D&M plan. I  
15 think what you're suggesting would be very useful to the  
16 Council in the D&M plan if you could say, we would like  
17 these conditions, and they've been agreed to, or they  
18 were -- and it's on property that they don't own, so they  
19 can't -- that we would listen to in the D&M plan and what  
20 we would then order -- be able to order.

21 MR. COPPOLA: But that would be after the  
22 -- please correct me if I'm wrong, that would be after  
23 this decision --

24 CHAIRMAN STEIN: If and when -- if and

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1 when it were to be approved there is -- it's a two-step  
2 process, as I'm sure you're aware, and I'm using the word  
3 if -- if this was to be approved, then the next step,  
4 which is not required, but which the Council can, at its  
5 discretion require would be in what's called a D&M plan,  
6 which would be a review of final detailed plans,  
7 including landscaping. So there would be time for the  
8 applicant and the parties or Intervenors to have the  
9 ability to discuss and work out in some form of  
10 agreement, which might actually provide enhanced  
11 landscaping, as you mentioned, report back to the Council  
12 and the Council could make -- agreed between the parties  
13 can make that part of a condition on the D&M plan. I'm  
14 waiting for either Professor Tait, or Attorney Bachman to  
15 kick me under the table. So far they haven't, so I guess  
16 I've sort of explained what the process is.

17 But at this point, and I think the recess  
18 would be a lot longer, at this point we can do it other  
19 than make that as -- that's something that could happen.

20 But we're still at the if and when -- well, I guess we  
21 know when we have to make a decision, we haven't made a  
22 decision yet, so beyond that I can't go any further at  
23 this point.

24 MR. COPPOLA: The point just being

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1 certainly incentive on AT&T to do something is greater  
2 before the Council makes its decision rather than after  
3 the Council makes its decision. So, for whatever it's  
4 worth, that's just to put it on the record.

5 CHAIRMAN STEIN: It might depend on how  
6 onerous our landscaping requirements are at the site.

7 MR. FISHER: Chairman, just to respond  
8 very briefly. We extended that we would be willing to  
9 have that conversation I believe is what I said to  
10 counsel. We're still willing to have a conversation. As  
11 you can imagine, completely outside of the context of the  
12 Siting Council, my client would be looking for certain  
13 consideration as well for any arrangement, and that would  
14 be something that counsel will have to discuss, and I  
15 agree it's not something that Attorney Bachman would be  
16 able to essentially mediate, or have a conversation  
17 about.

18 CHAIRMAN STEIN: Okay.

19 MR. COPPOLA: No further questions at this  
20 time.

21 CHAIRMAN STEIN: Okay. Since we did have  
22 a recent recess will continue with the appearance by the  
23 Intervenors. So I guess you have to swap seats and we'll  
24 give you a couple of minutes.

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1 (Off the record)

2 CHAIRMAN STEIN: Okay. We'll now continue  
3 with the appearance of the Intervenors. I apologize in  
4 advance if I mispronounce anybody's name. Lee and Kaori  
5 Higgins, Peter and Elizabeth Janis and Richard and Susan  
6 Kosinski. The Intervenors have submitted new exhibits  
7 since February 9th of this year marked Roman Numeral III,  
8 items B-1 through 5 on the hearing program. Attorney  
9 Coppola, please present your witness panel for purposes  
10 of taking the oath.

11 MR. COPPOLA: Mr. Chairman, with me today  
12 is Mr. Lee Higgins, Mr. Richard Kosinski, David Maxson  
13 and Mr. Peter Janis. Mr. Chairman, we have five items  
14 listed in the hearing program under Roman Numeral III-B.  
15 the first exhibit is a report from Isotrope Wireless,  
16 LLC of David Maxson, which I believe was already accepted  
17 by the Council at the February 9th hearing as  
18 Intervenor's Exhibit No. 1.

19 CHAIRMAN STEIN: I'm told, it was not.  
20 It's not formally part of the -- it's not formally part  
21 of the record.

22 MR. TAIT: Are you sure of that?

23 MS. BACHMAN: For what it was worth. We  
24 anticipated it being Exhibit 1.

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1 MR. TAIT: Okay. It is Exhibit 1 though.

2 MS. BACHMAN: It is Exhibit 1.

3 MR. COPPOLA: Regardless, we'll present it  
4 today as Exhibit 1. Exhibits 2 through 5 are the pre-  
5 filed testimony of David Maxson, Richard Kosinski, Peter  
6 Janis and Lee Higgins, which were all received by the  
7 Siting Council on February 15th, 2012. Copies of all of  
8 these exhibits have been provided to the Council, as well  
9 as to the petitioner. Would you please accept these  
10 exhibits for identification, Mr. Chairman?

11 (Whereupon, Intervenor Exhibit Nos. 1  
12 through 5 were marked for identification purposes only.)

13 CHAIRMAN STEIN: First, Attorney Bachman  
14 is going to swear in the witnesses.

15 MR. COPPOLA: Oh, sorry about that.

16 CHAIRMAN STEIN: Okay. So please stand.

17 (Whereupon, the Intervenor's witness panel  
18 was duly sworn in.)

19 CHAIRMAN STEIN: Now, could you verify the  
20 exhibits that you filed and have each sworn witness  
21 verify them?

22 MR. COPPOLA: Yes. I will ask each of  
23 you, did you prepare or assist in the preparation of the  
24 information that is identified as items B-1 through B-5

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1 in the hearing program?

2 MR. LEE HIGGINS: Lee Higgins, yes.

3 MR. RICHARD KOSINSKI: Richard Kosinski,  
4 yes.

5 MR. DAVID MAXSON: David Maxson, yes.

6 MR. PETER JANIS: Peter Janis, yes.

7 MR. COPPOLA: With regard to these  
8 documents that have been submitted, are there any  
9 modifications or corrections to these documents, which  
10 need to be made?

11 MR. HIGGINS: Lee Higgins, no.

12 MR. KOSINSKI: Richard Kosinski, no.

13 MR. MAXSON: David Maxson, no.

14 MR. JANIS: Peter Janis, no.

15 MR. COPPOLA: With regard to these  
16 documents have been submitted, are they true and accurate  
17 to the best of your belief?

18 MR. HIGGINS: Yes.

19 MR. KOSINSKI: Richard Kosinski, yes.

20 MR. MAXSON: David Maxson, yes.

21 MR. JANIS: Peter Janis, yes.

22 MR. COPPOLA: Do you adopt these documents  
23 as your testimony here today?

24 MR. HIGGINS: Lee Higgins, yes.

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1 MR. KOSINSKI: Richard Kosinski, yes.

2 MR. MAXSON: David Maxson, yes.

3 MR. JANIS: Peter Janis, yes.

4 MR. COPPOLA: Mr. Chairman, I request that  
5 you accept these documents into evidence at this time?

6 CHAIRMAN STEIN: Does the petitioner  
7 object to the admission?

8 MR. FISHER: I have and I believe it was  
9 already overruled. No further objections.

10 CHAIRMAN STEIN: Okay. So the first  
11 exhibits have been admitted.

12 (Whereupon, Intervenor's Exhibit Nos. 1  
13 through 5 for identification were received into evidence  
14 as full exhibits.)

15 CHAIRMAN STEIN: We'll now proceed with  
16 the cross-examination by staff first. Ms. Walsh?

17 MS. WALSH: Thank you, Mr. Chair. Just  
18 quickly, Mr. Maxson, referring to your coverage plots  
19 that were attached to the back of your pre-filed  
20 testimony regarding the proposed site, could you just --  
21 on my copy at least the greens seem to blend together and  
22 they don't appear to match the legend, so could you just  
23 described the coverage map that you submitted?

24 MR. MAXSON: Yes. Thank you, I'd be happy

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1 to. Sometimes things don't come out clearly when they  
2 print and looking at the original electronic document on  
3 the computer may be more fruitful in that case. There  
4 are two shades of green representing coverage. What we  
5 did is made them somewhat translucent on the map, but the  
6 solid color is represented on the legend. The darker  
7 green represents what is generally referred to as in-  
8 building coverage by many wireless carriers, and then the  
9 lighter green is the additional area that is included as  
10 what many carriers referred to as in-vehicle coverage.

11 There are also a couple of other places  
12 where there's slightly different shades of green where  
13 there is parkland that again, it is a little clearer on a  
14 computer screen than probably on the printout before you.

15 MS. WALSH: Could you just generally show  
16 -- tell us where the boundaries are between the in-  
17 vehicle coverage and the in-building coverage that you  
18 projected?

19 MR. MAXSON: The boundaries are where the  
20 light green meets the darker green of the two general  
21 blobs of coverage. I don't see what your print looks  
22 like.

23 MS. WALSH: Okay. Mine just appears all  
24 one color, so it's kind of hard to tell.

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1 MR. MAXSON: And I think it's not  
2 material, since there is a very very small difference  
3 between the two zones of coverage. I think it's  
4 sufficient to look at the entirety of the plots.

5 MS. WALSH: Okay. And did you create  
6 these plots using AT&T parameters as their power wattage  
7 for their antennas and types of antennas, AT&T is using  
8 that type of thing?

9 MR. MAXSON: Yes. We've used -- we've  
10 done analysis of many AT&T facilities over the years and  
11 we used typical power levels for those facilities.

12 MS. WALSH: Okay. And would you say that  
13 it generally matches what AT&T had provided in their  
14 petition for coverage from the proposed site?

15 MR. MAXSON: I think as a general match,  
16 yes, because the terrain is one of the major limits, the  
17 topography is one of the major limits. I think there are  
18 some differences in terms of how our difference in the  
19 projection from the two heights of 51 feet and 60 feet,  
20 we don't see as larger difference as the difference that  
21 the AT&T recent submission shows.

22 MS. WALSH: Okay. Thank you, nothing  
23 further.

24 CHAIRMAN STEIN: Okay. We'll now go to

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1 the Council. Mr. Wilensky?

2 MR. WILENSKY: Just one question or just a  
3 clarification. Mr. Maxson, I'm a little confused by your  
4 pre-file testimony on attachment to that water tank. Do  
5 you feel that an attachment to the water tank would work  
6 or would not work?

7 MR. MAXSON: If your question comes down  
8 to, to work for what? Certainly some coverage would be  
9 obtained from the water tank. I think it's optimistic  
10 both on my computer model and as I testified in my  
11 report, optimistic on the part of AT&T to think that  
12 it'll provide as much coverage as is shown on the  
13 computer models.

14 MR. WILENSKY: So you're saying that it  
15 would work for a limited amount of coverage?

16 MR. MAXSON: I guess I'm saying it would  
17 not -- I don't think it would work as well as it's  
18 depicted to work because of the fact the antennas are in  
19 the trees, not above the trees.

20 MR. WILENSKY: Okay. Thank you. Thank  
21 you, Mr. Chairman.

22 CHAIRMAN STEIN: Mr. Golembiewski?

23 MR. GOLEMBIEWSKI: I have no questions.  
24 Thank you, Chairman.

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1 CHAIRMAN STEIN: Mr. Levesque?

2 MR. LEVESQUE: No questions.

3 CHAIRMAN STEIN: Senator Murphy?

4 MR. MURPHY: I just have one question of  
5 each one of the Intervenors Mr. Chairman. And that  
6 simply is --

7 COURT REPORTER: Senator Murphy, do you  
8 have the microphone on?

9 MR. MURPHY: -- oh, I'm sorry. One  
10 question for each one of the Intervenors and I guess I'll  
11 start with Mr. Higgins, but it's going to be the same for  
12 each. In looking at the 2001 application, which was  
13 approved by the town of Greenwich, and in viewing the one  
14 that's being proposed here in 2012 by AT&T, which of  
15 those two proposals do you prefer?

16 MR. HIGGINS: Well, the 2001.

17 MR. MURPHY: 2001? And why is that?

18 MR. HIGGINS: I'm not an expert, but it  
19 looks to me that it was just an antenna, not a complete,  
20 you know, domed structure and it was also at a lower  
21 height than what they are proposing.

22 MR. MURPHY: Okay. And the same question,  
23 Mr. Kosinski?

24 MR. KOSINSKI: Of the two choices the 2001

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1 choice would be preferred in my opinion. I'm not an  
2 expert.

3 MR. MURPHY: I'm asking you for your --

4 MR. KOSINSKI: The reason why it's less  
5 intrusive and it's just antennas that are on a structure,  
6 not a 17-foot structure added on top.

7 MR. MURPHY: -- and I don't have to repeat  
8 it, do I?

9 MR. JANIS: My house is, you know, 130  
10 feet from the proposed site, so it can either, you know,  
11 for me looking out my bedroom window it couldn't get any  
12 closer. So neither for me.

13 MR. MURPHY: The question is answered by  
14 neither?

15 MR. JANIS: Huh?

16 MR. MURPHY: The question is answered by  
17 neither. Which do you prefer?

18 MR. JANIS: Then I guess I'd have to go  
19 with the lesser of two evils would be the first one.

20 MR. MURPHY: The first one. I have  
21 nothing else Mr. Chairman.

22 CHAIRMAN STEIN: Dr. Bell?

23 DR. BELL: Thank you, Mr. Chairman. I  
24 just have a question to clarify the documents that we

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1 have. Following up on, Mrs. Walsh's question about Mr.  
2 Maxson's exhibit, his coverage plots at the end. Your  
3 legend sir says cellular and standpipe, which is the  
4 water tank, 64 feet AGL for both plots. I thought that  
5 what you are trying to show was a plot for one at 51 feet  
6 and one at 60 feet and so I don't understand your legend.

7 MR. MAXSON: Thank you. Let me take a  
8 quick look at it and see if we made a labeling error.  
9 Yes, my apologies. It appears that the label for the  
10 first one, which is indicated as page three, is  
11 incorrect. That should have been marked at the lesser  
12 height with the 51-foot antenna centerline.

13 DR. BELL: And so -- and the 64 is  
14 correct?

15 MR. MAXSON: And the 64 is correct, yes.

16 DR. BELL: Thank you. That's my question,  
17 Mr. Chair.

18 CHAIRMAN STEIN: I just want to make --  
19 clarify, Mr. Janis, you're the property closest to the  
20 site?

21 MR. JANIS: Yes.

22 CHAIRMAN STEIN: And do you know how far -  
23 - how far is your property line from the tower?

24 MR. JANIS: I mean, I just took a

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1 measuring tape from my property line to the edge of the  
2 water company line, it's 60 feet from the edge of the  
3 property to the edge of the property.

4 CHAIRMAN STEIN: And how far is your house  
5 from the property line?

6 MR. JANIS: The far corner, which is  
7 closest, is about 30 feet.

8 MR. TAIT: Was it your house that we  
9 walked across the street and up the driveway?

10 MR. JANIS: No, that was the Reed's house,  
11 which is right next to my house. I'm the yellow  
12 farmhouse, theirs is the yellow colonial.

13 MR. TAIT: You're to the south, downhill?

14 MR. JANIS: We're the north.

15 MR. TAIT: North?

16 MR. JANIS: Yeah.

17 MR. TAIT: Okay.

18 CHAIRMAN STEIN: Mr. Maxson, even though  
19 you did this report mostly for the town of Greenwich some  
20 time ago I want to thank you, it was very informative.  
21 And the other members of the Council have any further  
22 questions? No? Staff? So we'll now go to the  
23 petitioner cross-examination.

24 MR. FISHER: We have no questions

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1 Chairman.

2 CHAIRMAN STEIN: A petitioner with no  
3 cross-examination. Okay. So we'll go to the rebuttal.  
4 Mr. Coppola, do you have any rebuttal before we close the  
5 hearing? Comments?

6 MR. COPPOLA: Just one question to the  
7 Intervenors, starting with I guess Mr. Kosinski.

8 CHAIRMAN STEIN: Could you speak a little  
9 louder please?

10 MR. COPPOLA: Just one question. As a  
11 follow-up to the Intervenors, starting I guess with Mr.  
12 Kosinski. You were asked earlier what your preference  
13 would be at the property if there was going to be  
14 antennas constructed on the property. Just as a point of  
15 clarification, is your preference to have the antenna  
16 similar to what was proposed in an earlier application by  
17 AT&T that was presented to the town of Greenwich Planning  
18 and Zoning Commission?

19 MR. KOSINSKI: Yeah. If given the choice  
20 I would much rather have a antenna that was attached to  
21 that tank as opposed to building some large structure to  
22 put additional antennas on the tank. That original  
23 proposal was a much simpler construction. And again, I'm  
24 not an expert, but it seemed like there was less chance

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1 for problems to happen. So I'd rather that it would be  
2 more along the lines of the original 2001 proposal than  
3 what's currently proposed.

4 CHAIRMAN STEIN: And of course, you  
5 realize it wasn't a antenna, it was not just one antenna?

6 MR. KOSINSKI: Antennas, excuse me, Mr.  
7 Chairman.

8 CHAIRMAN STEIN: I just wanted to make  
9 sure.

10 MR. KOSINSKI: Thank you, sir.

11 CHAIRMAN STEIN: Okay. Continue Mr.  
12 Coppola.

13 MR. COPPOLA: Thank you. Mr. Higgins, do  
14 you have the same position as Mr. Kosinski with regard to  
15 a proposal for antennas similar to what was proposed back  
16 in AT&T's application approximately 11 years ago?

17 MR. HIGGINS: That is correct.

18 MR. COPPOLA: And finally, Mr. Janis, if  
19 there was going to be something constructed at the  
20 property to create additional telecommunications coverage  
21 would also be your preference to have antennas similar to  
22 what was proposed in the prior AT&T application  
23 approximately 11 years ago?

24 MR. JANIS: If I had to, yes.

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1 MR. COPPOLA: I have nothing further at  
2 this time, Mr. Chairman.

3 CHAIRMAN STEIN: This is the time.

4 MR. COPPOLA: Nothing further.

5 CHAIRMAN STEIN: Okay. Petitioner, Mr.  
6 Fisher?

7 MR. FISHER: We have no rebuttal Chairman,  
8 thank you.

9 CHAIRMAN STEIN: Okay. Before closing  
10 this hearing the Connecticut Siting Council announces  
11 that briefs, and proposed findings of fact may be filed  
12 with the Council by any party or intervenor no later than  
13 March 23rd, 2012. The submission of briefs or proposed  
14 findings of fact are not required by this Council, rather  
15 we leave it to the choice of the parties and intervenors.

16 The Council also announces that state  
17 agencies desiring to submit additional comments on this  
18 application, pursuant to General Statutes 16-50j, are to  
19 submit their comments to the Council no later than March  
20 7th, 2012. Anyone who has not become a party or  
21 intervenor, but who desires to make his or her views  
22 known to the Council, may file a written statements with  
23 the Council within 30 days of today's date.

24 The Council issued draft findings of fact,

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1 and thereafter parties and intervenors may identify  
2 errors or inconsistencies between the Council's draft  
3 findings of fact and the record, however, no new  
4 information, no new evidence, no argument, and no reply  
5 briefs without our permission, will be considered by the  
6 Council. Again, copies of the transcript of this  
7 hearing, as well as the prior hearing, will be filed with  
8 the Greenwich Town Clerk's Office. I hereby declare the  
9 hearing adjourned. Thank you for your participation and  
10 drive home safely.

11 (Whereupon, the hearing adjourned at 3:23  
12 p.m.)

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