



## **Transcript of the Hearing of**

Date: **December 3, 2013**

Volume: **II**

Case: **CONNECTICUT SITING COUNCIL - No. 441**

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Phone: 866-534-3383  
Fax: 877-534-3383  
Email: [info@unitedreporters.com](mailto:info@unitedreporters.com)  
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STATE OF CONNECTICUT  
SITING COUNCIL

Docket Number 441

Homeland Towers, LLC, and New Cingular  
Wireless PCS, LLC, application for a  
Certificate of Environmental Compatibility  
and Public Need for the Construction,  
Maintenance, and Operation of a  
Telecommunications Facility Located at 10  
Blackville Road, Washington, Connecticut.

Continued Public Hearing held at the  
Bryan Memorial Town Hall, Main Hall, 2 Bryan  
Plaza, Washington Depot, Connecticut,  
Tuesday, December 3, 2013, beginning at 7:04  
p.m.

H e l d   B e f o r e :

ROBIN STEIN, Chairperson

<p style="text-align: right;">Page 111</p> <p>1     <b>A p p e a r a n c e s:</b> 2         Council Members Present 3             JAMES J. MURPHY, JR. 4             Vice Chairperson 5             ROBERT HANNON, DEEP Designee 6             LARRY LEVESQUE, ESQ. 7             PHILIP T. ASHTON 8             DR. MICHAEL W. KLEMENS 9             DR. BARBARA C. BELL 10            DANIEL P. LYNCH, JR. 11 12         <b>Council Staff:</b> 13             MELANIE A. BACHMAN, ESQ., 14             Acting Director &amp; Staff Attorney 15             DAVID MARTIN 16             Siting Analyst 17             AARON DEMAREST 18             Audio Technician 19 20 21 22 23 24 25                UNITED REPORTERS, INC.               www.unitedreporters.com               Nationwide - 866-534-3383 - Toll Free</p>	<p style="text-align: right;">Page 113</p> <p>1                     <b>THE CHAIRPERSON:</b> Good 2 evening, ladies and gentlemen. I'd like to 3 call to order this public comment session of 4 the Siting Council today, Tuesday, December 5 3, 2013, at approximately 7 p.m. My name is 6 Robin Stein. I'm chairman of the Siting 7 Council. 8                     Other members of the Siting 9 Council present are Senator James Murphy, 10 Vice Chairman; Mr. Hannon, designee from the 11 Department of Energy and Environmental 12 Protection; Mr. Levesque, designee from the 13 Public Utilities Regulatory Authority. 14 Mr. Ashton, Dr. Klemens, Dr. Bell and Mr. 15 Lynch. 16                     Members of the staff, Melanie 17 Bachman, Acting Executive Director and Staff 18 Attorney; David Martin, siting analyst; and 19 Aaron DeMarest in charge of the audio. 20                     This is a continuation of a 21 public hearing that began at 3 p.m. this 22 afternoon. Copies of the hearing program and 23 Council Citizen Guide to Siting Council 24 Procedures are available for members of the 25 public, I believe, on that table next to the                        UNITED REPORTERS, INC.                       www.unitedreporters.com                       Nationwide - 866-534-3383 - Toll Free</p>
<p style="text-align: right;">Page 112</p> <p>1     <b>A p p e a r a n c e s (Cont'd.):</b> 2         For the Applicant: 3             CUDDY &amp; FEDER, LLP 4             733 Summer Street 5             Stamford, Connecticut 06901 6             (203)969-9060 7             By: CHRISTOPHER B. FISHER, ESQ. 8 9         For the Town of Washington, Connecticut: 10            MARK LYON, 11            First Selectman 12            DANIEL SOULE, 13            Litchfield County Dispatch 14 15         For the Public Utilities Regulatory 16         Authority: 17             COMMISSIONER MICHAEL A. CARON 18 19 20 21 22 23 24 25                UNITED REPORTERS, INC.               www.unitedreporters.com               Nationwide - 866-534-3383 - Toll Free</p>	<p style="text-align: right;">Page 114</p> <p>1     first selectman. 2                     This hearing is held pursuant 3 to the provisions of Title 16 in the 4 Connecticut General Statutes of the Uniform 5 Administrative Procedure Act, upon 6 application from Homeland Towers, LLC, and 7 New Cingular Wireless PCS, LLC, for a 8 certificate of environmental compatibility 9 and public need for the construction, 10 maintenance and operation of the 11 telecommunications facility located at 10 12 Blackville Road in Washington, Connecticut. 13 Application was received by the Council on 14 September 17, 2017. 15                     This application is also 16 governed by the Telecommunications Act of 17 1996, which is administered by the Federal 18 Communications Commission. This Act 19 prohibits this Council from considering 20 health effects of radiofrequency emissions on 21 human health and wildlife to the extent the 22 emissions from towers are within the federal 23 acceptable safe limit standards, which 24 standard is also followed by the State 25 Department of Public Health.                        UNITED REPORTERS, INC.                       www.unitedreporters.com                       Nationwide - 866-534-3383 - Toll Free</p>

1 The Federal Act also prohibits  
2 this council from discriminating between and  
3 amongst carrier providers or functionally  
4 equivalent services. This means, if one  
5 carrier already provides service for an area,  
6 other carriers have a right to compete and  
7 provide service.

8 The Applicant published notice  
9 of filing of the application to the Council  
10 in the publication "The Voices" on  
11 September 11th and September 15th of 2013.  
12 The Council's legal notice of the date and  
13 time of this hearing was published in "The  
14 Voices" on October 24, 2013.

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

25 This hearing session tonight  
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1 30 days of today, and such written statements  
2 will be given the same weight as it spoken at  
3 the hearing.

4 Again, we ask each person  
5 making a public statement in this proceeding  
6 to confine his or her statements to the  
7 subject matter before the Council and to  
8 avoid unnecessary repetition so we hear all  
9 the concerns and those of your neighbors.

10 A verbatim transcript will be  
11 made of this hearing and deposited at the  
12 Washington Town Clerk's office for the  
13 convenience of the public. And before  
14 calling on members of the public to make  
15 their statements, I would request that the  
16 applicant make a brief presentation to the  
17 public describing the facility, and turn it  
18 over to Attorney Fisher for that.

19 MR. FISHER: Thank you,  
20 Chairman. My name is Chris Fisher. I  
21 represent the Applicants. We have a brief  
22 presentation to go through.

23 First I want to thank,  
24 obviously, the Council, and your first  
25 selectman, Mr. Lyon, because this project  
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1 has been reserved first for the public to  
2 make short statements into the record. These  
3 public statements are not subject to  
4 questions from the parties or the Council.  
5 And members of the public making statements  
6 may not ask questions of the parties or the  
7 Council.

8 These statements will become  
9 part of the record for Council consideration.  
10 A sign-up sheet is available on the podium  
11 here for those. We have already three people  
12 signed up wish to speak.

13 As a reminder to all  
14 off-the-record communication with a member of  
15 the Council or member of the Council staff,  
16 upon the merits of this application is  
17 prohibited by law. Also wish to note that  
18 parties and intervenors, including their  
19 representatives are not allowed to  
20 participate in the public comment session.

21 I also wish to note for those  
22 who are here and for the benefit of your  
23 friends and neighbors who are unable to join  
24 us for this public comment session, you may  
25 send written statements to the Council within

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1 really, as pending before the Siting Council,  
2 has been shepherded by his leadership to this  
3 point on a process that's been overseen by  
4 the Town by a number of different agencies.

5 What is shown here is AT&T's  
6 existing coverage footprint in the community.  
7 This is our tower site that's over in New  
8 Milford. This is a tower site that's just  
9 south of New Preston, along the 202 corridor.

10 This is down in the Depot  
11 where all the major carriers have lack of  
12 reliable wireless services, which is probably  
13 no surprise to those of you in the audience.  
14 This particular plot shows how this tower  
15 site, which is proposed at 135 feet, and a  
16 monopine, will fill in some of the gaps in  
17 coverage in Washington. There are other gaps  
18 that will remain even after this facility, so  
19 there would long-term be the need for  
20 additional facilities in order to serve all  
21 the town of Washington.

22 These are some of the data  
23 points that are in the actual Siting Council  
24 application. And I would encourage you to go  
25 to their website where all of this

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Page 119

1 information and more can be found. But this  
2 just shows some of the actual roadway,  
3 population, and other geographic areas where  
4 this site would particularly provide some  
5 reliable service.  
6 The majority, as you go back  
7 to the screen, and as you can imagine it's in  
8 the Depot and in areas as we're in the lower  
9 terrain here in this part of the town.  
10 This aerial doesn't come up  
11 quite as well in terms of the quality on this  
12 PowerPoint presentation, but this is the  
13 existing town garage. As you know, the  
14 area -- and this is Route 47, and the George  
15 Washington Inn is over here.  
16 This is the existing facility  
17 down out by Blackville Road. This proposal  
18 is actually back up in the back, and for  
19 those of you that don't know, there's a  
20 cleared area, and the Town has another  
21 existing garage facility at the very top.  
22 The tower would be at the very back of that  
23 existing cleared area with some trees that  
24 would need to be removed.  
25 These are the site plans for  
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Page 120

1 the site. I won't go over these in detail.  
2 They're up here as well, and if you have  
3 further comments or have a question, we can  
4 try to answer that through the Chair and the  
5 Siting Council.  
6 As I mentioned, the proposal  
7 is for a mon-pine facility AT&T has proposed  
8 here at 126 elevation. Litchfield County  
9 Dispatch, which will provide your emergency  
10 communication services in town, they're also  
11 proposed on the tower at the very top with  
12 some antennas and some additional antennas  
13 infrastructure below.  
14 And then there's space for  
15 additional carriers who provide service in  
16 the marketplace. In the long-term we would  
17 expect those carriers to locate on the  
18 facility.  
19 This is a calculation that  
20 demonstrates the facility will be in full  
21 compliance with FCC rules regarding radio  
22 frequency and emissions.  
23 Real quickly, there's a full  
24 photo visual study that's been done -- a  
25 couple of different studies, actually. But  
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Page 121

1 just to give you some points, if you go  
2 through this in detail, you'll pick up some  
3 areas where the overall site will or will not  
4 be visible.  
5 Earlier today our visual  
6 consultant testified before the Council, and  
7 overall, the actual areas of visibility are  
8 very low. To give you an example, this is at  
9 the intersection not too far past the inn  
10 looking back up to the site along Route 47.  
11 This is the monopine facility. In this  
12 particular location, it does obviously rise  
13 above the tree line.  
14 These are some additional  
15 photos of Bee Brook Road and Blackville Road.  
16 This is the monopine facility there. This is  
17 closer to on the site where the garage is  
18 located now and the Town's facilities.  
19 These are some additional  
20 sites from Bee Brook Road, Route 47. This is  
21 the tower here.  
22 So the Council has reviewed  
23 these and additional materials. And I'll  
24 turn it back over to you, Chair.  
25 Thank you.  
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Page 122

1 THE CHAIRPERSON: Thank you.  
2 I'll now start with the people who have  
3 signed up.  
4 Please, obviously, come to the  
5 podium. State your name and spell it out so  
6 we make sure we have it properly. If you  
7 want, you can give us your address as well.  
8 The first one is Barbara Brin.  
9 And I apologize in advance if I mispronounce  
10 anybody's name.  
11 BARBARA BRIN: Hi. I'm sorry  
12 I have a hearing disability, so I really  
13 didn't hear what he was saying.  
14 I just have a question to ask.  
15 If there needed to be blasting anywhere in  
16 that area, does the fact that the sole tower  
17 is standing there, does that have any  
18 restrictions on what can be done around it?  
19 THE CHAIRPERSON: What I will  
20 do is, after everybody has spoken, if we have  
21 time I'll -- we'll try to elicit the  
22 responses to questions. So we're going to do  
23 that after everybody has spoken, but that  
24 will be one of the questions we will try to  
25 get an answer for you.  
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1 BARBARA BRIN: Okay. Thank  
2 you.  
3 THE CHAIRPERSON: Mark  
4 Showalter.  
5 MARK SHOWALTER: Mark  
6 Showalter. I live at 25 Wheaton Road in  
7 Washington, and I'm also the fire chief in  
8 town.  
9 I'd like to thank First  
10 Selectman Lyon for his hard work on this.  
11 It's been a long process, and I think from  
12 where most people stand, it would have been  
13 an easy thing to just go ahead and let's do  
14 it. I'm sure it's been well thought out by  
15 him and several other people.  
16 I'd also like to thank the  
17 Council for their efforts. I sat through  
18 this hearing this afternoon, and it's clear  
19 that you have everybody's interests at heart  
20 and it's -- it was quite a -- it's pretty  
21 impressive to hear all the different angles  
22 of concerns, and everybody in Washington  
23 should be -- feel good that you're asking all  
24 the right questions.  
25 From an emergency management  
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1 as president of the Washington Ambulance  
2 Association. I live at 27 Steeples Road.  
3 EMS is a very time sensitive  
4 thing. When we get a call, we have to move  
5 quickly. And there are many times, depending  
6 upon the call, we have to know exactly where  
7 we're going. And we also have a new system  
8 in town which is a portable ECG, which if  
9 anybody has had a stress test, you put the  
10 monitors on. And we can transmit immediately  
11 to New Milford Hospital or to Danbury, but as  
12 where it stands right now, we cannot until we  
13 get onto the 202 corridor.  
14 Many of our responders, since  
15 we're all volunteers, carry radios, but some  
16 have apps on their telephones which enables  
17 them to get the, you know, the destination  
18 and go to the scene, but if they're within  
19 town they have to go out of town in order to  
20 get the signal to tell them where they have  
21 to go.  
22 So as far as EMS, I am fully  
23 in favor of this, and I agree with everything  
24 that Mark has said previously about thanking  
25 the committee -- and Mark for his work in  
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1 standpoint, it's very clear we've had several  
2 instances through the last five years, at  
3 least since I've been fire chief, that we had  
4 misinformation from second and thirdhand  
5 information through calls for emergency due  
6 to the fact that people can't get through on  
7 their cell phones. We've been sent,  
8 literally sent to the wrong direction, which  
9 is absolutely critical.  
10 From another hat that I wear  
11 as a facilities manager at a private school  
12 here in town, due to the need for more  
13 communication -- it's a wide-open campus  
14 where I work at the Gunnery School, and it's  
15 very important to maintain any kind of  
16 communication amongst the student body and  
17 the residents have obvious concerns for the  
18 new normal we have here.  
19 So I'd just like to say openly  
20 I support this effort, and I thank you all  
21 very much.  
22 THE CHAIRPERSON: Thank you.  
23 Philip Wildman.  
24 PHILIP WILDMAN: Good evening.  
25 My name is Philip Wildman. I'm representing  
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1 getting this -- trying to get this through.  
2 Thank you very much.  
3 THE CHAIRPERSON: Bill  
4 Fairbank.  
5 BILL FAIRBANK: Good evening.  
6 I live at 71 Green Hill Road, which is right  
7 at the top here, which you could see out the  
8 window if the sun was out. I'm also co-owner  
9 of the Hickory Stick Bookshop building here  
10 in the Depot. And I want, just again, to  
11 amplify the most important things Mark and  
12 Phil -- Chip have both said.  
13 But from my standpoint, as the  
14 owner of the building, we have over the years  
15 not been able to rent some of our space  
16 because the people wanted to have cell phone  
17 coverage and, you know, it's time now for  
18 this to happen. You know, Washington, I am  
19 head of a company that has facilities all  
20 over the state of Connecticut. I go all over  
21 and this is one of the most godforsaken  
22 places to try to get in touch with anyone.  
23 So I beg you to please get  
24 this going. I thank Mark and the board of  
25 the selectmen for getting this on the table.  
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1 We await your, hopefully, good response.  
2 Thank you.  
3 THE CHAIRPERSON: That's all  
4 the people who have signed up. Is there  
5 anybody else who hasn't spoken? Please come  
6 up, state your name and --  
7 Sir?  
8 RICHARD MCGREGOR: Yeah. My  
9 name is Richard McGregor. I live at 49 West  
10 Morris Road, Washington Depot. And probably  
11 the coverage won't reach to my house. I wish  
12 you could make it a little higher so it  
13 would, but I just wanted to say that I worked  
14 civil preparedness in Norwalk back in the  
15 seventies, and when you don't have  
16 communications it's very tough.  
17 And communications is vitally  
18 important for all of us, for all your  
19 emergency crew here, your fire trucks, your  
20 police, and everything else. We had got hit  
21 by a storm that was so bad in Norwalk, I  
22 would use my truck to clear branches out of  
23 the way so emergency vehicles could get  
24 through. And we didn't have much in the way  
25 of cell phones then, but it is very  
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1 for getting this project moving along, the  
2 mayor -- not -- you're not mayor. I'm  
3 sorry -- the First Selectman Lyon and  
4 everybody else on the boards that have  
5 helped. It's, I think, a very, very  
6 important situation to get done and as soon  
7 as possible.  
8 And I thank everybody again.  
9 Thank you.  
10 THE CHAIRPERSON: Thank you.  
11 Is there anyone else. I think I see a hand.  
12 I can't see the face, but come up.  
13 SARAH SHEPHERD: My name is  
14 Sarah Shepherd. I'm at 16 Juniper Meadow  
15 Road, Washington. I've lived here for 15  
16 years.  
17 I think the time is now. I  
18 think we have to move forward on this.  
19 Technology does not tell us that we are going  
20 to be endangered by cell phone towers. It  
21 has not been proven as yet. And we have  
22 plenty of cell phone towers, mobile --  
23 whatever we call them, they're cell phone  
24 towers -- all over our area and people with a  
25 preference for not having them have to  
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1 important.  
2 I've been rushed to the  
3 hospital a couple times myself in my  
4 lifetime. My wife has been rushed to the  
5 hospital, too, and you know, people are  
6 worried about the tower. Well, my answer to  
7 them is, take a look at the tower, and then  
8 take a look at the sick person that you're  
9 trying to help. Which is the most important?  
10 And I would say that the person you're trying  
11 to help is the most important.  
12 When you see somebody that's  
13 laying there that's really in bad need of  
14 something, and you can't get through on the  
15 phone because the power is off, then that  
16 makes you think twice about a cell phone  
17 tower. And nowadays they make them look like  
18 trees and everything else, so -- and probably  
19 half the people don't even know how many cell  
20 phone towers there are between here and New  
21 Milford.  
22 So I strongly urge everybody  
23 to be in favor of this and let -- the sooner  
24 we get this done the better off we'll all be.  
25 And I also thank everybody that's involved  
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1 realize they are very, very important.  
2 I spoke in a meeting. I've  
3 been to several of these meetings for cell  
4 tower permits, and I did speak at one. I had  
5 been in an automobile accident. My car was  
6 totaled. There was no way for anyone to call  
7 to get the EMT to get help. They had to go  
8 to a neighboring house. Now this is just not  
9 right. It is not right for the people of  
10 this community to have to be without proper  
11 communication for emergencies.  
12 Also we have a lot of working  
13 people here who have to be in communication,  
14 in connection with their companies. They're  
15 here for cable, for plumbing, electricity,  
16 building, whatever. And you see them in  
17 places where they may get a signal from  
18 another cell tower in our area. There's  
19 hardly a workman who comes to my home who  
20 doesn't want to use my telephone because they  
21 need to get information for the next job  
22 they're going to go to. This has reached the  
23 ridiculous point.  
24 And this gentleman spoke so  
25 well. I couldn't possibly speak any better  
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1 than he did. He was eloquent. But I just  
2 say we have a great need for a cell tower in  
3 this community, and I hope we can get one as  
4 soon as possible.

5 Thank you.  
6 THE CHAIRPERSON: Thank you.  
7 Anybody else? If not, let  
8 me -- we did have one question. Let me see  
9 if somebody from the Applicant's team can  
10 answer the question relative to blasting.

11 MR. CHASSE: Sure. The  
12 potential, there's evidence of potential --

13 THE CHAIRPERSON: Just  
14 identify yourself.

15 MR. CHASSE: I'm sorry. I'm  
16 Scott Chasse. I'm a principal of All Point  
17 Technology Corporation. We're the design  
18 engineer for the site.

19 There's evidence on site of  
20 rock outcroppings, shallow bedrock. The  
21 chance of encountering some during the course  
22 of construction does exist. As far as the  
23 utility trench would go, there's options in  
24 terms of hole ramming down to get adequate  
25 cover for the conduits in lieu of having to

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1 a pre-blast plan and survey.

2 MR. LYNCH: Mr. Chasse? In  
3 case you do need to blast, would you put a  
4 notice to the Town of time and date when the  
5 blast would occur?

6 MR. CHASSE: Yes.

7 DR. BELL: I think that the  
8 question being asked from the audience was,  
9 let's assume the tower is up, blasting or no  
10 blasting in order to make it, or whatever.

11 And let's say that the Town wanted to blast  
12 to put in something up there in the immediate  
13 vicinity of the tower, the question is, would  
14 the Town be able to do that, or would  
15 blasting of any sort be forbidden around the  
16 tower once it was it was up?

17 MR. CHASSE: It would depend  
18 on the scope and extent of the blasting. Is  
19 it a deep blast? I mean, these towers are  
20 designed for seismic resistance, so your  
21 lateral forces, in addition to the wind, the  
22 foundations are designed for two times the  
23 wind reactions that are there. So they are  
24 definitely overdesigned compared to  
25 other-ings structures that are there.

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1 blast, as well as we can raise the conduit  
2 elevation up and encase them in concrete such  
3 that we don't have to go down as far as CL&P  
4 would require.

5 Relative to the tower, the  
6 next step, assuming an approval, would be to  
7 do a development and management plan which  
8 would involve doing a geotechnical  
9 investigation. The geotechnical  
10 investigation will tell us what type of  
11 substructure is below where the tower is  
12 going to be, and that information will allow  
13 a tower manufacturer to design the  
14 foundation.

15 During the time of that  
16 evaluation, we'll look at options such as  
17 doing rock anchors, which we could do, and  
18 that would make it so that we wouldn't have  
19 to blast, as well as deeper excavation. If  
20 the bedrock is down, say, 8 to 6 feet, we  
21 would not have to blast. Blasting is usually  
22 the last consideration that we would do. If  
23 it is absolutely required, we would  
24 coordinate with the local fire marshal who  
25 usually handles such things and come up with

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1 Usually, when blasting of that  
2 magnitude would take place, again it's  
3 coordinated with the fire marshal and the  
4 pre-blast survey is done, that you can put  
5 strain meters or monitors so that -- make  
6 sure that things didn't move. But, in  
7 general, if it's a mild or a minor blasting,  
8 it probably would not impact the tower.

9 THE CHAIRPERSON: Thank you.

10 At this point I'm going to  
11 close this portion of the hearing.

12 I'd like to announce that the  
13 evidentiary portion of the hearing, which we  
14 held this afternoon and were not able to  
15 complete, that will be continued at the  
16 Siting Council offices in New Britain on  
17 Thursday, January 9, 2014, at 1 p.m.

18 Please note that anyone who  
19 has not become a party or intervenor, but who  
20 desires to make his or her views known to the  
21 Council, you still have time to file any  
22 written statements with the Council. Copies  
23 again, of the transcript of the hearing will  
24 be filed at the Washington Clerk's office.

25 And I hereby declare this

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Page 135

1 hearing adjourned, and I want to thank you  
2 all for your participation. And please drive  
3 home safely.

4 (Whereupon, the above  
5 proceedings were adjourned at 7:29 p.m.)

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Page 136

1 CERTIFICATE  
2 I hereby certify that the foregoing 27  
3 pages are a complete and accurate  
4 computer-aided transcription of my original  
5 verbatim notes taken of the Connecticut  
6 Siting Council Continued Public Hearing in  
7 Re: DOCKET NO. 441, HOMELAND TOWERS, LLC, AND  
8 NEW CINGULAR WIRELESS PCS, LLC, APPLICATION  
9 FOR A CERTIFICATE OF ENVIRONMENTAL  
10 COMPATIBILITY AND PUBLIC NEED FOR THE  
11 CONSTRUCTION, MAINTENANCE, AND OPERATION OF A  
12 TELECOMMUNICATIONS FACILITY LOCATED AT 10  
13 BLACKVILLE ROAD, WASHINGTON, CONNECTICUT,  
14 which was held before ROBIN STEIN,  
15 Chairperson, at the Bryan Memorial Town Hall,  
16 Main Hall, 2 Bryan Plaza, Washington Depot,  
17 Connecticut, on December 3, 2013.

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Robert G. Dixon, CVR-M 857  
Notary Public  
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8 (Pages 135 to 136)