

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

RE: APPLICATION BY T-MOBILE  
NORTHEAST, LLC FOR A  
CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED  
FOR A TELECOMMUNICATIONS FACILITY  
AT 15 ORCHARD PARK ROAD IN THE TOWN  
OF MADISON, CONNECTICUT

DOCKET NO. 390

Date: December 29, 2009

**PRE-FILED TESTIMONY OF RAYMOND M. VERGATI**

**Q1. Please state your name and profession.**

A1. Raymond M. Vergati and I am the vice president of operations for HPC Development, LLC ("HPC") with respect to projects in New England. HPC is located at 46 Mill Plain Road, 2<sup>nd</sup> Floor, Danbury, Connecticut.

**Q2. What services does HPC provide?**

A2. HPC Development is a full service professional consulting and site development firm servicing the wireless telecommunications, broadband, broadcast, and wind energy industries. With respect to the telecommunications industry, HPC provides management services for site development projects including, but not limited to, locating primary and backup sites for telecommunications facilities within a specified search area; coordinating the site design with A&E firms, radio frequency ("RF") engineers and construction managers; and negotiating lease or option agreements.

**Q3. What is your professional background in telecommunications?**

A3. I received a B.S. in finance (with a minor in Spanish) from Seton Hall University. I have approximately twelve years of experience in the telecommunications industry. I have managed site development projects for wireless carriers since 2001, including site acquisition, zoning needs and oversight of construction vendors. Since April of 2008, I have managed site acquisition for T-Mobile regarding numerous sites in Connecticut.

**Q4. What services has HPC provided T-Mobile with respect to the proposed Facility?**

A4. T-Mobile retained HPC to perform a search for possible sites within this area of Stratford, assist in negotiating the acquisition of a particular site and oversee the development of that particular site. HPC has overseen the development of the telecommunications facility proposed at 15 Orchard Park Road, Madison, Connecticut (the "Facility"). I assisted in all facets of the site acquisition.

**Q5. How does T-Mobile conduct a search for possible sites?**

A5. T-Mobile decides to seek out a site in an area based upon the needs of its wireless infrastructure and extensive research of the subject area. T-Mobile looks for possible site candidates in areas in which T-Mobile has identified coverage and/or capacity needs. The area targeted is the geographical location where the installation of a site would, based on general radio frequency engineering and system design standards, likely address the identified problem. T-Mobile's goal is to locate sites that will remedy coverage or capacity issues, while resulting in the least environmental impact to the surrounding area.

T-Mobile is sensitive to State and local desires to minimize the construction of new towers, and it does not pursue development of a new facility where an acceptable existing structure can be found. In general, T-Mobile first studies the area in and near the area of need to determine whether any suitable structure exists. If T-Mobile cannot find a structure with appropriate height and structural capabilities, it turns to industrial/commercial areas or individual parcels that have appropriate environmental and land use characteristics. T-Mobile looks for sites that will produce the least amount, if any, environmental impact on the surrounding area. Ultimately, the suitability of each location depends on whether that location would accommodate the coverage need and whether there would be any negative environmental effects.

**Q6. Please describe the search undertaken by T-Mobile for this Facility.**

A6. T-Mobile initiated its search for a site in this area of Madison on or about August 28, 2006. T-Mobile focused its search between Johnson Lane and Orchard Park Road, off of Mungertown Road. T-Mobile focused on this search area with the objective to provide coverage to Route 1, Interstate 95, and secondary roadways around Mungertown Road, as well as the Amtrak rail line that passes through this area of Madison.

**Q7. Did T-Mobile consider alternative sites?**

A7. Yes. T-Mobile considered several sites other than the site of the proposed Facility. Those sites considered and rejected by T-Mobile are as follows:



1. USI Company, 98 Fort Path Road. This site is approximately .5 miles to the east of the target area. The site hosts a three story commercial office building, which abuts the Amtrak rail line. The ground elevation is approximately 12 feet lower than the proposed site at the Property. T-Mobile RF engineers reviewed this property and determined that the rooftop is too low to afford proper coverage.

2. 170 Fort Path Road. This site is approximately .25 miles to the east of the target area. There is a 20 foot commercial building on the site. T-Mobile RF engineers reviewed site and determined that the rooftop was too low to afford adequate coverage. This site is also owned by 15 Orchard Park Road LLC. The owner, however, does not want a tower on this parcel.

3. 150 Mungertown Road. This site also hosts a 20 foot commercial building. T-Mobile RF engineers reviewed this site and determined that the rooftop was too low to afford adequate coverage. This site does not have adequate screening from existing trees. This site is also owned by 15 Orchard Park Road LLC. The owner, however, does not want a tower on this parcel.

**Q8. Did T-Mobile consider other alternative sites based upon its consultation with the Town?**

A8. Yes. T-Mobile considered several other alternative sites. Those sites considered and rejected by T-Mobile are as follows:

1. Property owned by the Sunshine House on Fort Path Road. T-Mobile engaged in discussions with Amy Kuhner, the Executive Director of the Sunshine House, and provided requested information. Ms. Kuhner circulated the information to the Sunshine House Board and the Board decided not to pursue a lease with T-Mobile for a tower on its property.

2. Town owned property on Nathan's Lane. T-Mobile's RF engineers determined that this candidate is located too far to the west of the coverage objective for the proposed Facility. The coverage from this candidate provides approximately 50 percent redundant coverage with T-Mobile's on air site CT11028A, located at 119 Tanner Marsh Road in Guilford. As such, even with a site at Nathan's Lane, the proposed Facility would still be needed to satisfy T-Mobile's coverage objectives in this area. Accordingly, this suggested site is untenable.

3. Bus Fueling Yard (Off Fort Path Road). This location is adjacent to T-Mobile's on air site CT11167A, a monopole located at 8 Old Route 79 in Madison. T-Mobile is located at 120 feet on this 148 foot tower. The majority of coverage potential from this candidate is redundant coverage with T-Mobile's existing on air coverage footprint and would not be considered an appropriate candidate for the ring at issue with the proposed facility.

**Q9. Why did T-Mobile select the site of the proposed Facility over the other candidate sites reviewed by HPC?**

A9. The proposed site of 15 Orchard Park Road (the "Property") is superior to other properties in the area. The Property is zoned as light industrial (LI) and is 3.51 acres. Access to the Property is across an existing paved driveway and parking lot. The Property is set back approximately 1,500 feet from Mungertown Road with excellent screening from mature trees. The Property is currently used for commercial storage. It hosts multiple storage facilities and office buildings, the latter of which are approximately twenty feet tall.

At this location, the proposed Facility would enhance wireless service availability to existing and future T-Mobile wireless device users along Route 1, Neck Road, Mungertown Road and Interstate 95 in Madison, as well as the Amtrak rail line that passes through this area. Additionally, the Facility would provide some capacity relief. Enhanced coverage provided by the Facility will allow T-Mobile subscribers to use voice and data services reliably as well as to connect to Emergency 911 services.

The construction, maintenance and operation of the Facility would have minimal environmental impacts, if any, on the surrounding area. The construction of the Facility would require minimal grading and would not require the removal or relocation of any trees. T-Mobile would also take certain measure to ensure that the Facility would not impact water flow, water quality, air quality or the nearby wetlands. Specifically, T-Mobile would install a retaining wall, focusing drainage to the south away from the wetland system, and permanently stabilize the area with loam and wildlife seed mix.

Finally, the visual impact of the Facility would be minimal. The areas from which the Facility would be at least partially visible (the top of the tower) year round are



primarily comprised of select portions of parcels within the immediate vicinity of the Facility and the Long Island Sound.

**Q10. Has T-Mobile consulted with municipal officials about the proposed Facility?**

A10. Yes. T-Mobile has met its obligations for municipal consultation under General Statutes § 16-50/ (e). On May 28, 2009, T-Mobile submitted a technical report to the First Selectman regarding the Facility, a copy of which is included in the bulk filing accompanying the Application, which includes specifics about the Property, the Facility, the site selection process and the environmental effects, if any, of the proposed Facility.

Additionally, on July 11, 2009, T-Mobile directed VHB to conduct a second balloon float at the request of the Town. The Town issued a public notice of the second balloon float so that those interested in the proposed Facility could attend and obtain information. The public notice is appended hereto as Attachment A.

T-Mobile also met with the Conservation Commission on July 27, 2009, and provided that Commission with materials regarding the proposed Facility. On August 6, 2009, T-Mobile also appeared before the Planning & Zoning Commission ("PCZ"), submitted written materials for the PZC's review, and responded to questions from the PZC regarding the Facility.

The PZC issued a letter with its comments on August 14, 2009. T-Mobile delayed filing this Application until it could fully evaluate the PZC's comments, which included an inquiry as to whether the Sunshine House, a charitable organization which owns the adjacent parcel, was interested in a facility on its property. The Sunshine House elected to forego an arrangement with T-Mobile, and the other sites suggested

by the PZC are not viable alternatives. T-Mobile responded to PZC's August 14, 2009 letter with a detailed letter of its own on September 28, 2009, which is attached to the Application as Exhibit Q.

**Q11. Has T-Mobile offered the Town of Madison the opportunity to co-locate its emergency services equipment on the Facility?**

A11. T-Mobile has expressed to the Town its willingness to provide, free of charge, space on the proposed monopole for municipal public safety communications antennas. T-Mobile discussed co-location during the meeting with the PZC. The Town has not expressed its intentions regarding co-location as of yet.

**Q12. Did T-Mobile post a sign giving the public notice of the hearing on this Application?**

A12. Yes, on or about December 14, 2009, T-Mobile posted a sign at the Property giving the public notice of the hearing on this Application. Photographs of the sign and an affidavit are appended hereto as Attachment B.



Raymond M. Vergati

Sworn and subscribed to before me this  
29th day of December, 2009.



*Notary Public*  
*My Commission expires*

**Lisa A. Valenti**  
**NOTARY PUBLIC**  
My Commission Expires 2/28/2012



# **ATTACHMENT A**

# Madison Connecticut



DEPARTMENT LINKS ▾

- [Join the InfoServ](#)
- [Town Offices Directory](#)
- [Boards and Commissions](#)
- [Town Calendar](#)
- [Madison Information](#)
- [Links of Interest](#)
- [Employment](#)
- [Town of Madison Charter](#)
- [Photo Gallery](#)

### TOWN HALL:

Monday - Friday  
 8:30 a.m. to 4:00 p.m.  
 8 Campus Drive  
 Madison, Connecticut  
 06443


TOWN OFFICES  
 OBSERVED HOLIDAYS

CONNECTICUT STATE  
 REPRESENTATIVES  
 FOR MADISON



## Meeting Information

[MEETING AGENDAS](#)      [MEETING MINUTES](#)

 [Full Schedule of Town Meetings](#)

## Legal Notices

### PUBLIC HEARINGS & INFORMATION MEETINGS

*July 1, 2009*  
 Proposed New Ordinances

*July 15, 2009*  
 Special Town Meeting

*August 6, 2009*  
 Proposed Cell Tower  
 T-Mobile will conduct a balloon float for the proposed cell tower to be located at 7 Orchard Park Road, on Saturday, July 11, 2009, from 9:00 a.m. to 12:00 p.m. (with a rain date of July 12, 2009.

TOWN OF MADISON  
 Approved Budget

INLAND WETLANDS AGENCY  
 Actions of the May 4, 2009 meeting

ZONING BOARD OF APPEALS  
 Actions of the May 5, 2009 meeting  
 Public Hearing July 7, 2009

PLANNING AND ZONING COMMISSION  
 Actions of the June 18, 2009 meeting  
 Public Hearing July 16, 2009

## News

### Health Department Flu Information

*updated 6.15.09*



### Summer Programs

Community Service Training, Sponsored by Madison Youth and Family Services will be held July 8-9th from 10:00-12:00 in the Upper Level at Memorial Town Hall. [more]

### Connecticut BBB Warns Against a Summer Scam Going Door-to-Door Nationwide

### State of the Town

### Ambulance Center /Senior Center Plan

### Well Water & Uranium

## General Information

[Madison News »](#)

[Mosquitoes in Madison](#)

[HAZARDOUS WASTE DISPOSAL](#)

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TOWN OFFICES - 8 CAMPUS DRIVE - MADISON, CONNECTICUT 06443

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## Town of Madison, Connecticut



### **PUBLIC INFORMATION MEETING August 6, 2009 PROPOSED CELL TOWER 15 Orchard Park Road**

The Planning and Zoning will hold a public information meeting on Thursday, August 6, 2009 at 7:30 p.m. in Meeting Room A, Town Campus, 8 Campus Drive, to take public comment on the pending application to the Connecticut Siting Council by Omnipoint Communications, Inc. to install and operate a wireless communications facility at 15 Orchard Park Road (Assessor's Map 36, Lot 3) on property owned by 15 Orchard Park, LLC. At this meeting written communications will be received and interested parties will be heard.

Information on the application is available in the Land Use Office, Madison Town Campus and at these links:

**Technical Report submitted by Omnipoint  
Communications  
Information on Connecticut Siting Council  
Process**

***T-Mobile will conduct a balloon float  
for the proposed cell tower to be  
located at 7 Orchard Park Road, on  
Saturday, July 11, 2009, from 9:00 a.m.  
to 12:00 p.m. (with a rain date of July  
12, 2009.***

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TOWN OFFICES - 8 CAMPUS DRIVE - MADISON, CONNECTICUT 06443

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# **ATTACHMENT B**



**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

RE: APPLICATION BY T-MOBILE  
NORTHEAST, LLC FOR A  
CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED  
FOR A TELECOMMUNICATIONS FACILITY  
AT 15 ORCHARD PARK ROAD IN THE TOWN  
OF MADISON, CONNECTICUT

DOCKET NO. 390

Date: December 29, 2009

**AFFIDAVIT OF RAYMOND M. VERGATI**

I, Raymond M. Vergati, do hereby declare and state:

1. I am over the age of 18 years, and believe in the obligation of an oath.

2. I am the vice president of operations of HPC Development, LLC ("HPC")

with respect to projects in New England.

3. I have personal knowledge of the development of the Facility including the specific contents of this affidavit.

4. HPC has overseen the development of the telecommunications facility proposed at 15 Orchard Park Road, Madison, Connecticut (the "Facility"). I assisted in all facets of the site acquisition.

5. On or about December 14, 2009, a sign was installed at the site of the proposed Facility.

6. On or about December 14, 2009, I viewed the sign installed at the site of the proposed Facility.

7. The sign was installed at the site of the proposed Facility at least ten business days prior to the date of the hearing on the application for a certificate of

environmental compatibility and public need submitted to the Connecticut Siting Council bearing docket number 390.

8. Photographs of the sign posted at the site of the proposed Facility are attached hereto as Exhibit A.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 29<sup>th</sup> day of December, 2008.

  
Raymond M. Vergati

Subscribed and sworn to before me this 29th day of December, 2009



Notary Public  
My Commission Expires:

Lisa A. Valenti  
NOTARY PUBLIC  
My Commission Expires 2/28/2012

# **EXHIBIT A**



## PUBLIC NOTICE

[T-Mobile Northeast LLC] has filed an application with the Connecticut Siting Council ("Council") for the construction of a telecommunication facility on this site. The maximum height of this facility shall not exceed [100 ft]. The Council will hold a public hearing on [January 5, 2010] at [Memorial Town Hall, Upper Level, 8 Meeting House Lane, Madison, CT.] at 3 p.m. and 7 p.m. A copy of the application can be reviewed at the town hall or at the offices of the Council in New Britain, CT. For more information, please contact the Council by telephone at (860) 827-2935, electronically at [siting.council@ct.gov](mailto:siting.council@ct.gov), or by mail at 10 Franklin Square, New Britain, Connecticut, 06051.

12 14 '09



### PUBLIC NOTICE

The Middlesex Board of Health, 10 Franklin Square, New Britain, Connecticut, is hereby giving notice to the public that the following proposed amendments to the Board of Health Ordinance No. 100-10-001, "Zoning Ordinance," are being considered by the Board of Health at its next meeting, to be held on Monday, December 14, 2009, at 7:00 p.m. in the Board of Health Conference Room, 10 Franklin Square, New Britain, Connecticut. The Board of Health will hold a public hearing on the proposed amendments at the same time and place. Any person who desires to present comments on the proposed amendments should call on at the office of the town clerk, 10 Franklin Square, New Britain, Connecticut, or contact the town clerk by telephone at (860) 253-2901, electronically at [clerk@townofnewbritan.org](mailto:clerk@townofnewbritan.org) or by mail at 10 Franklin Square, New Britain, Connecticut 06053.

Orchard Park  
COMMERCIAL - INDUSTRIAL COMPLEX  
MILANO DEVELOPMENT CORP.

12-14 '09