

CONNECTICUT
SITING COUNCIL

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*
NEW CINGULAR WIRELESS, PCS, LLC, *
FOR A CERTIFICATE OF ENVIRONMENTAL * JUNE 25, 2013
COMPATIBILITY AND PUBLIC NEED FOR * (7:00 P.M.)
CONSTRUCTION, MAINTENANCE AND *
OPERATION OF A TELECOMMUNICATION *
FACILITY LOCATED AT 111 SECOND HILL * DOCKET NO. 438
ROAD, BRIDGEWATER, CONNECTICUT *
* * * * *

BEFORE: JERRY MURPHY, CHAIRMAN

BOARD MEMBERS: Robert Hannon, DEEP Designee
Larry Levesque, PURA Designee
Edward S. Wilensky
Philip T. Ashton
Dr. Barbara Bell

STAFF MEMBERS: Melanie Bachman, Executive Director
Robert Mercier, Siting Analyst

APPEARANCES:

FOR THE PARTY, NEW CINGULAR WIRELESS, PCS, LLC:
CUDDY & FEDER, LLP
Summer Street
Stamford, Connecticut
Tel 203.969.9060
BY: DANIEL LAUB, ESQ.

1 CHAIRMAN MURPHY: I would like to call
2 this meeting to order this Tuesday, June the 25th, 2013
3 at 7:00 p.m.

4 My name is Jerry Murphy and I'm the Vice
5 Chairman of the Connecticut Siting Council.

6 Although my jacket is on, the same rules
7 as this afternoon, they're optional if you want to wear
8 the ties and the jackets.

9 Other members of the Council who are here
10 with us this evening are Larry Levesque, Designee for
11 Chairman Arthur House of the Public Utility Regulatory
12 Authority; Robert Hannon, Designee for Daniel Esty,
13 Commissioner of the Department of Energy and
14 Environmental Protection; Philip T. Ashton, Edward S.
15 Wilensky, and Dr. Barbara Bell.

16 Members of the staff with us are Melanie
17 Bachman, Acting Executive Director and Staff Attorney,
18 Robert Mercier, our Siting Analyst. Our court reporter
19 is Nancy Paretta, and our audio technician is Aaron
20 DeMarest.

21 This is a continuation of a public
22 hearing which began at 3:00 p.m. this afternoon. Copies
23 of the hearing program and Council's Citizen's guide to
24 Siting Council procedures are available for the members

1 of the public.

2 This hearing is held pursuant to the
3 provisions of Title 16 of the Connecticut General
4 Statutes and the Uniform Administrative Procedures Act
5 upon an application from New Cingular Wireless, PCS,
6 LLC, for a certificate of environmental compatibility
7 and public need for the construction, maintenance, and
8 operation of a telecommunication facility located at 111
9 Second Hill Road, Bridgewater, Connecticut. This
10 application was received by the Council March the 5th,
11 2013.

12 This application is also governed by the
13 Telecommunications Act of 1996, which is administered by
14 the Federal Communications Commission. This Act
15 prohibits this Council from considering the health
16 effects of radio frequency emissions on human health and
17 wild life to the extent that the emissions from the
18 tower are within Federal Acceptable Safe Limit
19 Standards, which standard is also followed by the State
20 Department of Public Health.

21 The Federal Act also prohibits this
22 Council from discriminating between and amongst
23 providers of functionally equivalent service. This
24 simply means that if one carrier already provides

1 service for an area, other carriers have the right to
2 compete and provide similar services in the same area.

3 The applicant published a notice of the
4 filing of the application to the Council in the
5 Housotonic Times on February the 22nd and March the 1st
6 of 2013.

7 The Council's legal notice of the date
8 and time of this hearing was published in the Housotonic
9 Times on April the 12th, 2013.

10 Upon the Council's request the applicant
11 erected a sign at the proposed site so as to inform the
12 public of the name of the applicant, the type of
13 facility, the hearing date and location, and contact
14 information for the Council.

15 This afternoon members of the Council,
16 staff and public personally conducted a field review of
17 the proposed site in order to observe firsthand the
18 potential effects of the proposal.

19 The hearing session tonight has been
20 reserved for the public to make short statements into
21 the record.

22 These public statements are not subject
23 to question from the parties or the Council. And
24 members of the public making statements may not ask

1 questions of the parties or the Council. These
2 statements will become part of the record for Council's
3 consideration.

4 A sign-up sheet for those who wish to
5 participate are located on the table. There are two.
6 One is for public officials and one is for the public as
7 a whole.

8 As a reminder to all, off-the-record
9 communications with members of the Council or members of
10 the Council's staff on the merits of this application is
11 prohibited by law.

12 I wish to note that the parties and
13 intervenors, including their representatives and
14 witnesses, are not allowed to participate in the public
15 comment session.

16 I would also wish to note for those who
17 are here, and for the benefit of your friends and
18 neighbors who are unable to join us for the public
19 comment session, that you or they may send written
20 statements to the Council within 30 days of the day
21 hereof. And such written statements will be given the
22 same weight as if spoken tonight here at this hearing.

23 If necessary, party and intervenor
24 cross-examination at the hearing session held at 3:00

1 p.m. this afternoon may be continued after the public
2 comment, but it appears it will -- that will be very
3 limited for a few homework assignments that were given
4 to them.

5 We ask that each person making a public
6 statement in this proceeding to confine his or her
7 statements to the subject matter before the council and
8 to avoid unreasonable repetition so that we may hear all
9 of the concerns you and your neighbors may have.

10 Please be advised that the Council cannot
11 answer questions from the public about the proposal.

12 A verbatim transcript will be made of
13 this hearing and deposited at the Bridgewater Town
14 Clerk's office for the convenience of the public.

15 Before we start this evening we're going
16 to ask that the applicant have someone make a
17 presentation to those that are here tonight in the
18 audience as to what it is they are proposing and to give
19 us a brief rundown of what they anticipate to do with
20 this project.

21 Attorney Laub.

22 ATTORNEY LAUB: For the record, I'm
23 Daniel Laub with the firm of Cuddy & Feder here on
24 behalf of AT&T.

1 I've asked that our Project Engineer, Mr.
2 Paul Lusitani from CHA make a presentation and overview
3 of what we're proposing.

4 MR. LUSITANI: Good evening. I'm the
5 Engineer who prepared the site plans. I'm going to give
6 a general overview of what we're proposing.

7 This is a plan of a four and a half acre
8 parcel. We're proposing to locate the facility in the
9 northeast corner of the parcel. And we're proposing an
10 access road and utilities along this path.

11 This is a little more detailed plan. The
12 brown is the proposed access drive off of Second Hill
13 Road. We plan to pull power and telephone from the
14 existing pole near Second Hill Road and run it
15 underground back to the facility.

16 The facility is a 45 foot by 90 foot
17 fenced area. There will be a 12x20 equipment shed
18 located within it and a 160 foot tower.

19 This is a blown up view of the 45x90
20 fence compound area. This is the location of AT&T's
21 12x20 equipment shelter and there's space for three
22 additional future carriers.

23 This is an elevation view of the tower
24 showing the 160 foot tower. AT&T being located at 156

1 feet and room for three additional carriers below.

2 And the length of the road off of Second
3 Hill Road is 353 feet.

4 CHAIRMAN MURPHY: Thank you.

5 Moving now to the public comment portion
6 of the evenings proceedings.

7 For Public Officials is William Smart.
8 First Selectman.

9 MR. STUART: Thank you, but it's William
10 Stuart.

11 I'm sorry we can't ask questions, so I'll
12 try to make statements if I can.

13 Bridgewater, Connecticut is one of the
14 smallest towns in the State of Connecticut. Very small.
15 And it's hard for me to understand why we have had a
16 proposal for a site on Wewaka Brook, not too long ago,
17 which nothing has happened and nothing has started from
18 what we can see visually, that we need another site in
19 Bridgewater, Connecticut in this very tiny town to take
20 care of the coverage of this town.

21 One of the things I -- I'm done looking
22 at your book of the presentation of the Second Hill site
23 and the coverage. The green keeps coming in bigger and
24 bigger on the Second Hill site, but the Wewaka Brook

1 site stays with a key as a future site. And I've gone
2 through six pages and it continues to be a future site.
3 I don't know if that's never going to be built,
4 according to your book, or what the story is on that.
5 But it seems to me that building that Wewaka site would
6 be a first step. And if it did get built -- and I think
7 that one was 180 feet high if I'm not mistaken, that
8 the --

9 CHAIRMAN MURPHY: And my coverage covers
10 everything that's needed to be covered in this green
11 area, and therefore you may not need to put a site on
12 Second Hill Road. That's one logic. One that -- a site
13 in New Town came on line some time ago, the coverage
14 throughout Bridgewater becomes very good in many many
15 places. It sometimes even works at Town Hall, which is
16 surprising.

17 CHAIRMAN MURPHY: And to me, but it does.
18 So, I'm wondering, two sites in the Town
19 of Bridgewater -- I guess it will cover even when I'm
20 out riding a horse up in the hills, it will cover me up
21 there too.

22 I do hope that this Council will make
23 sure that if this goes through, on the scenic road,
24 which we designated as a scenic road many, many years

1 ago when we didn't have any idea about a cell tower
2 coming in.

3 We did it as a scenic road because of the
4 beauty of that road; the hills, the farms, the views.
5 And in my opinion, building a cell tower on that street
6 certainly doesn't change -- doesn't help the view any.

7 That's one -- one question.

8 But if you do build this site I hope that
9 they will build something that doesn't look like a
10 Erector Set up on top of the hill, with those straight
11 steel arms sticking out, like you see around the country
12 in some places. I have noticed going across country of
13 cell towers being built that looked like a tree. At
14 least that would be some diversion to looking at a steel
15 plant. And I hope the Wewaka Brook site does the same
16 thing. That one is going to be on the top of a tree of
17 a crest of a hill line, and is going to really stand out
18 if it's just an all steel structure.

19 So, hopefully, if this site does go in,
20 you will try to somehow protect the view up there and
21 the esthetics of the Town of Bridgewater that we have
22 very, very much worked to preserve. Thank you.

23 CHAIRMAN MURPHY: Thank you, Mr. First
24 Selectman Stuart.

1 Is there any other public official?

2 The First Selectman is the only one to
3 have signed up.

4 Moving to the public portion, the first
5 person we have signed up is Laura Ann Marta.

6 MS. MANTA: Thank you. The last name is
7 Manta.

8 I'm vehemently opposed to the building of
9 this cell phone tower. It will ruin the absolute pure
10 beauty of this small town and open the door for more
11 structural eyesores. It's not needed. It's sole
12 purpose is for corporate greed. It will destroy our
13 wild life, and the WHO has not ruled out the
14 carcinaegnicy of cell phone towers.

15 Thank you.

16 CHAIRMAN MURPHY: Thank you.

17 MS. MANTA: I have Verizon and my phone
18 works fine.

19 CHAIRMAN MURPHY: Robert Schmus.

20 MR. SCHMUS: Hi. I'm Robert Schmus and I
21 reside directly across the street from where this tower
22 is proposed. And the consideration that I would like on
23 this is that you already have an approved site in the
24 town on Wewaka Brook. And if that goes through and is

1 built and does support the coverage, like Billy was
2 saying, that at least is already approved and can be put
3 into place and tested and see if we actually do need the
4 second tower up there. You know, I would just like that
5 consideration. And -- and if it's determined that we do
6 need something up there, if there's something more
7 subtle that can be put in, maybe, with booster
8 technology, or whatever. I'm not an expert in that
9 field, but maybe that's -- you know, not quite as
10 obtrusive as the structure that's proposed. And you
11 know, that's consideration I would just like.

12 Thank you.

13 CHAIRMAN MURPHY: Thank you.

14 And we have Dan Delvecchio.

15 MR. DELVECCHIO: My name is Dan
16 Delvecchio. I live directly across the street from the
17 proposed site at 110 Second Hill Road.

18 Basically we don't -- we all realize that
19 people need to make phone calls, especially in emergency
20 situations, and, you know, I know I wouldn't like to be
21 in one of those situations where I couldn't get a phone
22 call in, but it does seem like the coverage around
23 Bridgewater is a lot better, even with the Wewaka Tower
24 not in yet. So, I'm going to go along with what Bob has

1 to say, and please consider testing the area again after
2 the Wewaka site is up. Because not only -- none of us
3 on the road really want the tower at all. We have to
4 live there every day, every hour, raise our children.
5 Seven children that live on this street that have no
6 choice in this matter at all. All of us live in under
7 500 feet from this tower. I don't know if there's
8 anybody in this room who would be very happy to raise
9 children, whether they say it's good for you or not good
10 for you, I don't think that anybody would be very
11 trusting to know that they have to raise children and
12 they can't do anything about whether this tower goes in
13 or not. So, please, please consider what you're doing.
14 We have no choice. It's in your hands. If the other
15 tower works, don't put this tower in. Thank you.

16 CHAIRMAN MURPHY: Thank you.

17 That exhausts the list of people that
18 have signed up. Is there anyone else here, from the
19 public, who cares to address us in reference to this
20 matter?

21 (No response).

22 Attorney Laub, the First Selectman raised
23 the issue about Wewaka not being put into service, which
24 was discussed this afternoon under our questioning. And

1 I think for his information and for the public's I think
2 you should have someone from your panel explain what's
3 been the hold up and why. If you could have someone do
4 that.

5 MR. LAMONTAGNE: I think probably that
6 question may be best for me, since they're probably --

7 CHAIRMAN MURPHY: Whomever. If you want
8 to choose yourself you're free to do that.

9 MR. LAMONTAGNE: Because of the bridge
10 replacement at Wewaka Brook the construction window of
11 the -- is very limited.

12 AUDIENCE: We can't hear you.

13 CHAIRMAN MURPHY: Why don't you go to the
14 microphone and face them, because we heard it this
15 afternoon.

16 MR. LAMONTAGNE: Is it on? Can you hear
17 me?

18 AUDIENCE: Yes.

19 MR. LAMONTAGNE: Okay. The -- as
20 probably many of you recall there's a bridge that needs
21 to be replaced at the Wewaka Brook road site.

22 That bridge falls under -- or actually
23 the watercourse that falls underneath it -- that flows
24 underneath it falls under Army Corp of Engineer's

1 jurisdiction. The Army Corp approved that the bridge
2 could be replaced because -- the bridge could be
3 replaced with some work done in the stream, but is very
4 limited window and it has to basically be done in the
5 summer months because that's when the water floor is the
6 least. They don't want it to be done in the spring when
7 there's a high amount of water flow. So, that
8 construction window I think stretches from the beginning
9 of June to I think the end of September. So, my
10 understanding from the people who are in charge of
11 moving forward with that, they're looking to move
12 forward with that coming up in July. So, it is going to
13 be built. And that's the latest on that.

14 A development plan was submitted to the
15 Council. They've extended the certificate to make sure
16 that this window works. But part of the thing was that
17 the original approval was obtained earlier in 2012, or
18 the end of -- early 2012. So, that timing didn't allow
19 for the construction to commence in the summer when it
20 needed to. So, once that bridge is replaced then all
21 the rest of the work and the construction of the tower
22 will follow after that.

23 MR. STUART: So, does that mean that the
24 tower is going in?

1 MR. LAMONTAGNE: Yes, that means the
2 tower is going in.

3 MR. STUART: This book that you put out
4 for the coverage in the green. Without the Wewaka Brook
5 site you have a lot of whiteness in higher areas;
6 however, it continues to be a proposed site, a future
7 site. And when you get to the second page all of that
8 is almost all green. All the way down through it's all
9 green. And this hasn't been built yet. It still says
10 future site.

11 No. Is this green? Was somebody doing
12 their crayons and didn't do it right or what happened?

13 CHAIRMAN MURPHY: No, basically what it
14 is is one of the maps shows where the existing and
15 proposed sites are and how this particular one we're
16 addressing today would fit in.

17 And another map shows when -- what the
18 coverage would be when the one we are looking at today,
19 if it's approved and online, how it fits in with the
20 others that have been approved, and they are online.
21 So, this really tries to give you a picture of what it
22 would look like if they're all working, which they're
23 not all working right now. And that's really to give us
24 and everyone an opportunity to examine what the coverage

1 for AT&T would be once everything is in place. And
2 remember this is just AT&T. The lady talked about
3 Verizon, but as I mentioned in our opening statement, I
4 mean, if -- there may be coverage from other carriers
5 here, but AT&T has every right to come in and do what
6 everybody else is doing, and that makes the best effort
7 to have coverage the best they can here in Bridgewater.

8 I'll ask again before closing, is there
9 any member of the public who would like to address this
10 that hasn't this evening?

11 MS. MANTA: Can I ask a question or are
12 you not allowed?

13 CHAIRMAN MURPHY: No. I think we've done
14 enough questions for tonight.

15 Before closing, the counsel will now
16 close the public comment session of this hearing and
17 we're going to resume the evidentiary session as soon
18 as.

19 CHAIRMAN MURPHY: And that's done,
20 because there were some items to be taken care of that
21 were raised earlier in the afternoon,.

22 Before closing this public session of the
23 hearing the Council announces that briefs and proposed
24 findings may be filed by the counselor or any party of

1 interest no later than July the 24th, 2013.

2 And submission of the briefs or proposed
3 findings of fact, while not required by the Council made
4 by its leave be filed should the parties decide to do
5 so.

6 And at this point, I think, Attorney
7 Laub, we will move to the items that you were asked to
8 have your panel examine.

9 And I understand that all but one of them
10 you have been able to at least believe give us an answer
11 to this evening.

12 ATTORNEY LAUB: I take it that's reverse.
13 We've got an answer to one of them.

14 CHAIRMAN MURPHY: Oh, okay.

15 ATTORNEY LAUB: And then we have a follow
16 up on --

17 CHAIRMAN MURPHY: Well, whatever it is,
18 give us what you got and we'll work through the rest
19 later.

20 ATTORNEY LAUB: We have a follow-up on --
21 I would ask that Mr. Libertine provide you an overview
22 of the balloon float today, as well as some
23 investigation that he and Mr. Gustafson conducted and by
24 way of discovering who owns the tower on Second Hill

1 Road, the existing state tower.

2 Audience: We can't hear you. Please
3 face us.

4 MR. LIBERTINE: My name is Mike
5 Libertine. I'm part of the panel here today on behalf
6 of AT&T.

7 The Council had asked specifically a
8 couple of questions, and the first I'm going to address
9 is regarding the balloon float that was conducted as
10 part of the public hearing at the site today.

11 What we did -- the Council had asked that
12 a balloon be flown from between 12 this afternoon and
13 6:00 p.m. to simulate the top height of the tower. So
14 what we did was take a red weather balloon,
15 approximately four feet in diameter and tethered that to
16 the 160 foot proposed height of the tower.

17 The winds today were somewhat
18 cooperative. They were probably -- started out probably
19 in the five to six mile an hour range and did increase
20 as the afternoon went on. So that there was an angle.
21 We were able to achieve the full height for some limited
22 times, but as most folks saw, it was bouncing around a
23 little bit and probably was off at an angle of anywhere
24 from 20 to 25 degrees from the balloon float for those

1 six hours we did loose three balloons. We lost one at
2 about 1:30 in the afternoon. Got a second one up at
3 about 1:40.

4 A second went down shortly before 4:00.
5 We immediately got the third balloon up and then right
6 during the storms at about 5:50 the third balloon went
7 down and so we aborted -- it takes about two
8 another ten minutes or so to get it inflated and up, so
9 at that point the -- the hour had come to pass about
10 6:00 p.m. So, we decided it wasn't worth trying to get
11 something else up on those winds and those conditions.

12 The other homework assignment we had was
13 there is the existing tower that is on Second Hill Road
14 and we were able to determine that that tower is owned
15 and operated by the Connecticut Department of
16 Transportation. There is a placard that has some very
17 fine print but it does identify Conn DOT as the owner of
18 the tower.

19 CHAIRMAN MURPHY: Thank you, Mr.
20 Libertine.

21 Do you have anything else?

22 ATTORNEY LAUB: No.

23 CHAIRMAN MURPHY: And so there is really
24 one more -- we had the homework assignment for Mr.

1 Hannon.

2 ATTORNEY LAUD: Yes. As far as homework
3 assignments we have some construction details to provide
4 as a late file. And it is in regards to some of the
5 details of the road and the compound, which we will be
6 able to provide.

7 As well as -- I think that might be it.

8 I think from my notes that's it.

9 CHAIRMAN MURPHY: There was a question on
10 one of your maps about the development rights that Mr.
11 Mercier had asked.

12 ATTORNEY LAUB: Oh, right. Yes. Yes.

13 CHAIRMAN MURPHY: And that was going to
14 be looked into, and you were going to give us a late
15 file and answer his inquiries on that item.

16 ATTORNEY LAUB: Yes.

17 CHAIRMAN MURPHY: And I think with those
18 two items we satisfy the inquires we came up with
19 earlier today.

20 That being the case then, I will proceed
21 to close the proceedings today and announce that anyone
22 who has not become a party or intervenor, or who wishes
23 to desire to make his or her views known to this Council
24 may file a written statement with the Council within 30

1 days of the date hereof.

2 The Council will issue draft findings of
3 fact. And thereafter parties and intervenors may
4 identify errors or inconsistencies between the Council's
5 draft findings of facts and the record.

6 However, no new information, no new
7 evidence, no argument, and no reply briefs without our
8 permission will be considered by the Council.

9 Copies of this transcript -- a transcript
10 of this hearing will be filed at the Bridgewater Town
11 Clerk's office.

12 I hereby declare this hearing adjourned.
13 Thank you for your participation and drive safely on
14 your way home tonight.

15 (Whereupon the hearing was adjourned at
16 7:26 p.m.)

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I N D E X

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APPLICANT WITNESS PANEL:

Dean Gustafson
Mike Libertine
Tony Wells
Peter Lamontange
Paul Lusitani

C E R T I F I C A T I O N

STATE OF CONNECTICUT)
)
COUNTY OF HARTFORD)

I, Nancy E. Paretti, a Notary Public in
and for the State of Connecticut, do hereby certify that
the forgoing record is a correct and verbatim
computer-aided transcription of the proceeding herein
set forth.

I further certify that I am neither
counsel for, nor related to, nor employed by any of the
parties to the action in which this proceeding is taken,
and further certify that I am not related to, nor an
employee of any attorney or representative employed by
the parties thereto, nor am I financially interested in
this action.

In witness whereof I have hereunto
set my hand and affixed my notarial seal this date
July 25, 2013.

Nancy E. Paretti
Notary Public

My commission expires February 28, 2017