



Transcript of the Hearing of

Date: July 17, 2014

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Case: Docket No. 448

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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 448

Cellco Partnership d/b/a Verizon Wireless
Application for a Certificate of
Environmental Compatibility and Public Need
for the Construction, Maintenance, and
Operation of a Telecommunications Facility
Located at 831 Derby Milford Road, Orange,
Connecticut.

Public Hearing held at the Shelton City
Hall, City Hall Auditorium, 54 Hill Street,
Shelton, Connecticut, Thursday, July 17,
2014, beginning at 7:05 p.m.

H e l d B e f o r e :

ROBERT STEIN, Chairperson

1 **A p p e a r a n c e s:**
2 **Council Members:**
3 ROBERT HANNON, DEEP Designee
4 LARRY LEVESQUE, PURA Designee
5 DANIEL P. LYNCH, JR.
6 DR. MICHAEL W. KLEMENS
7 DR. BARBARA C. BELL
8 SENATOR EILEEN M. DAILY
9
10 **Council Staff:**
11 MELANIE BACHMAN, ESQ.,
12 Executive Director and
13 Staff Attorney
14 ROBERT MERCIER
15 Siting Analyst
16
17 **For Cellco Partnership, d/b/a Verizon**
18 **Wireless:**
19 ROBINSON & COLE LLP
20 280 Trumbull Street
21 Hartford, Connecticut 06103-3597
22 (860)275-8200
23 By: KENNETH C. BALDWIN, ESQ.
24
25

1 **THE CHAIRPERSON:** Good
2 evening, ladies and gentlemen. I'd like to
3 call to order this hearing before the
4 Connecticut Siting Council, today Thursday,
5 July 17, 2014, approximately 7:05.
6 My name is Robin Stein. I'm
7 Chairman of the Siting Council. Other
8 members of the Council present are
9 Mr. Hannon, designee from the Department of
10 Energy and Environment Protection; Mr.
11 Levesque, designee from the Public Utilities
12 Regulatory Authority; Mr. Lynch; Dr. Klemens;
13 Dr. Bell; and Senator Daily. Members of the
14 staff present are Attorney Bachman, our
15 Executive Director and Robert Mercier, siting
16 analyst.
17 This is a continuation of a
18 hearing that began today at 3 p.m. Copies of
19 the hearing program and the Council Citizen
20 Guide to Siting Council Procedures are
21 available for members of the public on the
22 table in the back.
23 This hearing is held pursuant
24 to the provisions of Title 16 of the
25 Connecticut General Statutes, and of the

1 **A p p e a r a n c e s:(cont'd)**
2 **For the Intervenors, Albert Subbloie,**
3 **Jacqueline Barbara, Glenn MacInnes,**
4 **Jill MacInnes:**
5 BERCHEM, MOSES, AND DEVLIN, P.C.
6 1221 Post Road East
7 Westport, CT 06880
8 (203)227-9545
9 By: MARIO F. COPPOLA, ESQ.
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1 Uniform Administrative Procedure Act, upon an
2 application from Cellco partnership, d/b/a
3 Verizon Wireless, for a certificate of
4 environmental compatibility and public need
5 for the construction, maintenance and
6 operation of a telecommunications facility
7 located at 831 Derby Milford Road in Orange,
8 Connecticut.
9 This application was received
10 by the Council on May 13, 2014. This
11 application is also governed -- governed by
12 the Telecommunication Act of 1996, which is
13 administered by the Federal Communications
14 Commission. This act prohibits the Council
15 from considering the health effects of
16 radio-frequency emissions on human health and
17 wildlife, to the extent the emissions from
18 towers are within the federal acceptable safe
19 limits standard, which standard is also
20 followed by the State Department of Public
21 Health.
22 The federal act also prohibits
23 the Council from discriminating between and
24 amongst providers of functionally equivalent
25 services. This means that if one carrier --

1 carrier already provides service for an area,
 2 other carriers have the right to compete and
 3 provide service in the same area.
 4 The Applicant published notice
 5 of the filing of the application to the
 6 Council in the New Haven Register on May 8th
 7 and May 9, 2014. The Council's legal notice
 8 of the date and time of this hearing was
 9 published in the New Haven Register on
 10 June 17th of this year.
 11 Upon this Council's request,
 12 the Applicant erected a sign at the proposed
 13 site so as to inform the public of the nature
 14 of the application, type of facility, hearing
 15 date and location, and contact information
 16 for the Council. This afternoon members of
 17 the council staff and public personally
 18 conducted a field review of the proposed site
 19 in order to observe firsthand the potential
 20 effects of the proposal.
 21 This hearing session tonight
 22 had been reserved first for the public to
 23 make sure its statements get into the record.
 24 These public statements are not subject to
 25 questions from parties or the Council, and

1 confine his or her statements to the subject
 2 matter before the Council and to avoid
 3 unnecessary repetition so we may hear all of
 4 the concerns you and your neighbors may have.
 5 Again, please be advised the
 6 Council cannot answer questions from the
 7 public about the proposal. A verbatim
 8 transcript will be made of the hearing and
 9 deposited at the Orange Town Clerk's Office
 10 and the Shelton City Clerk Office for the
 11 convenience of the public.
 12 Before I call on the members
 13 of the public to make statements, I'll
 14 request that the Applicant make a brief
 15 presentation to the public describing the
 16 facility, where it's located, and why it's
 17 necessary.
 18 HARRY ROCHEVILLE: Good
 19 evening. My name is Harry Rocheville. I'm
 20 with Centek Engineering, Cellco partnership,
 21 which is proposing a wireless
 22 telecommunications facility at 831 Derby
 23 Milford Road.
 24 The facility is located in the
 25 southern portion of the parcel, right here.

1 members of the public making statements may
 2 not ask questions of the parties or the
 3 Council. These statements will become part
 4 of the record for Council's consideration. A
 5 sign-up sheet is available for those who
 6 would like to participate.
 7 As a reminder to all,
 8 off-the-record communication with a member of
 9 the Council or a member of the Council's
 10 staff upon the merits of this application is
 11 prohibited by law.
 12 I wish to note that parties
 13 and intervenors, including their
 14 representatives and witnesses, are not
 15 allowed to participate in the public comment
 16 session. I also wish to note for those who
 17 are here and for the benefit of your friends
 18 and neighbors who are unable to join us for
 19 the public comment session that you or they
 20 may send written statements to the Council
 21 within 30 days of the date hereof, and such
 22 written statements will be given the same
 23 weight as if spoken at the hearing.
 24 We ask each person making a
 25 public statement in this proceeding to

1 The partial -- the parcel is 34.6 acres.
 2 Access to the site will be via
 3 a 460-foot gravel access drive that will be
 4 12-foot wide. The drive will be located
 5 within a 20-foot access utility easement with
 6 utilities routed underground all the way up
 7 to the compound. The wireless facility will
 8 be 50-feet-by-50-feet within a
 9 100-foot-by-100-foot lease area, which is
 10 better shown on the next page -- sorry -- as
 11 you see right down here, 50-by-50-foot
 12 compound within a 100-foot-by-100-foot lease
 13 area. Centrally located in the compound will
 14 be a 100-foot tall monopole tower, and it
 15 will be painted brown. The tower will be
 16 designed for four carriers and will be
 17 extendable by 20 feet.
 18 The top of the antennas on the
 19 tower will be 103 feet, so they will extend
 20 3 feet above the tower. There will also be a
 21 12-foot-by-30-foot equipped shelter located
 22 within the compound to house Cellco's radio
 23 equipment and the backup emergency power
 24 generator. As the tower, the compound will
 25 also be designed for four carriers.

1 Thank you.
 2 THE CHAIRPERSON: Okay.
 3 We'll now call for the people
 4 who have signed up on the list. Please come
 5 up to the podium, give us your name, and
 6 spell your -- your last name. If you want,
 7 you can give us your address.
 8 I'm going apologize in
 9 advance. A number of people have made it
 10 slightly difficult for me to read, and I
 11 apologize if I mispronounce your names.
 12 The first person it's Paul --
 13 is it Bun?
 14 Again, I apologize.
 15 PAUL BUU: Thank you, Council.
 16 My name is Paul Buu. I live at 920 Rainbow
 17 Trail, Orange.
 18 I'm strongly opposed to the
 19 construction of this cell tower for the
 20 following reasons: Number one, I do have a
 21 cell phone with Verizon as a carrier, and at
 22 home, I do have a very strong signal, so I
 23 don't know why you want to construct another
 24 cell tower nearby; I have a 14-year-old
 25 daughter at home, and I'm very concerned

1 THE COURT REPORTER: I'm
 2 sorry. Could you spell your name.
 3 LEONARDO PENA-ABOSAID: Yes.
 4 L-e-o-n-a-r-d-o, the last name, P-e-n-a,
 5 dash, A-b-o-s-a-i-d.
 6 THE COURT REPORTER: Thank
 7 you.
 8 LEONARDO PENA-ABOSAID: You're
 9 welcome.
 10 I will say that my biggest
 11 concern is they have -- the fact that that
 12 tower can have on our neighbors. I have an
 13 eight-year-old, and in the summertime he's
 14 always playing in the playground in the
 15 backyard. And I went to the Town, and the
 16 tower is going to be about 550 feet from my
 17 property, which is extremely close, so of
 18 course I am very worried about that.
 19 Second, I -- I would like to
 20 know if any other areas -- because he just
 21 said it here -- there is 34, 35 acres of land
 22 on that farm. Any other areas we think the
 23 farm has been considered for the placement of
 24 this tower?
 25 I read the -- the proposal,

1 about the health issue as a result of this
 2 number three, the -- whether there's any
 3 study about the impact of the wildlife as a
 4 result of this cell phone construction. We
 5 have some endangered species living close by
 6 to the proposed construction site, such as
 7 box turtles, and I'm concerned about the
 8 impact to the wildlife and whether any study
 9 been done on this.
 10 And my property is within a
 11 quarter-mile from the proposed construction
 12 site, and I'm very concerned about my
 13 property value. This study showing the
 14 property value -- probably going to be
 15 dropped 20 percent, and I'm very concerned on
 16 that. And these are some of my brief points.
 17 Thank you.
 18 THE CHAIRPERSON: Thank you
 19 very much.
 20 The next one, Leonard Pena --
 21 and I can't --
 22 LEONARDO PENA-ABOSAID: My
 23 name is Leonardo Pena-Abosaid. I live at 99
 24 Rainbow Trail.
 25 I will say --

1 and I didn't see that in any -- any -- they
 2 didn't mention anything about that.
 3 Of course, another concern
 4 that I have is the property value of our
 5 houses. I believe -- because I've been
 6 living there for only four years. I believe
 7 they sold those properties back on 2001, the
 8 land. The farmers sold the land for a good
 9 price, and now he's putting the tower at
 10 500 feet from our houses, decreasing the
 11 value of our properties.
 12 So I wanted to know, you know,
 13 I want to have an answer regarding that, if
 14 they've been considered that -- you know, if
 15 the farmer consider that. Is the farmer
 16 here? Is the owner of the property here that
 17 we can speak to and we can get answers from
 18 him?
 19 There is a lot of questions
 20 that I would like to ask, you know.
 21 THE CHAIRPERSON: The owner is
 22 not required to --
 23 LEONARDO PENA-ABOSAID: I have
 24 said the most important ones, and I would
 25 like to have an answer on those.

1 Thank you.
 2 THE CHAIRPERSON: Okay. Thank
 3 you.
 4 Christian Bonat.
 5 CHRISTIAN BONAT: Hello.
 6 Christian Bonat. I live at 917 Rainbow
 7 Trail.
 8 I want to take this
 9 opportunity to express my support to the
 10 previous comments and underscore my concern
 11 and my plea to the Council that the site be
 12 moved further away from the neighbor -- the
 13 neighbors and the homes that are closest by.
 14 As you -- as you've heard,
 15 Rainbow Trail -- 917 Rainbow Trail is my
 16 address -- is the most affected neighborhood.
 17 We are closest to the site. And as was
 18 previously mentioned, there are -- we have
 19 35 acres of land to work with here, and yet,
 20 my home, which I purchased last year, is now
 21 some-thousand feet away from a brown,
 22 103-foot tower that's going to go up outside
 23 my back -- backyard.
 24 So, as was previously
 25 mentioned, it seems there's -- we've got 34

1 reevaluated and is certainly a question that
 2 I would have for the Council.
 3 Thank you.
 4 THE CHAIRPERSON: Thank you.
 5 Laura Haker.
 6 LAURA HAKER: Thank you,
 7 Council. My name is Laura Haker, and I live
 8 at 911 Rainbow Trail in Orange.
 9 My property abuts the property
 10 of the proposed cell tower at 831 Derby
 11 Milford Road. The distance between the cell
 12 tower and my property is approximately 760
 13 feet.
 14 I'm strongly opposed to the
 15 construction of this cell tower and request
 16 that it's moved further away from residential
 17 properties. Excepting the few summer months
 18 when the trees are in full leaf and the
 19 foliage is at its maximum height, the trees
 20 are bare, making the cell tower all the more
 21 visible from my house and also from other
 22 properties in the neighborhood. This is to
 23 mention not only the visible impact, but also
 24 the possible 20 percent property devaluation
 25 of my house.

1 or 35 acres to work with. A cursory look at
 2 the map indicates that they did not center
 3 the tower or place the tower furthest away
 4 from the homes that would be most affected.
 5 I'm sure there was some reason for it, but
 6 it's -- it's placed closer to the homes than
 7 it appears to or needs to be.
 8 The beneficiary of the lease,
 9 I understand, has at least one property on
 10 the land. But the beneficiary of the lease
 11 should also bear the burden of having it
 12 closer to his home, then perhaps he would
 13 like to get the beneficiary of the payments,
 14 unlike the people who lose their property
 15 values by having this thing sprung upon them.
 16 So, as I said, I underscore
 17 the comments that my neighbors have made
 18 previously and that they will make following.
 19 But I think the location of the site, the
 20 proposed location on this plot is a question
 21 and should be reevaluated. It's -- there's
 22 no logic for the location in putting it
 23 closer to a strip of homes of -- that have
 24 no -- gain no monetary value, in fact, lose
 25 property values because of this, should be

1 As we lose on our property
 2 values because of the tower, others are
 3 profiting by the installation of it. A major
 4 concern is health. And as there are many
 5 young children in the -- growing up in the
 6 neighborhood, it makes a concern much more
 7 acutely felt.
 8 I would have hoped town
 9 officials had given affected residents more
 10 timely notification and detailed information
 11 as did those selectman in the Town of Darien
 12 and those in the Town of North Branford.
 13 It is appropriate, at this
 14 time, to point out to our Orange town
 15 officials the cell tower legislation signed
 16 into law by Governor Dannel Malloy,
 17 spearheaded by State Representative Lonie
 18 Reed and cosponsored by State Representative
 19 Pat Widlitz, this law upgrades the way the
 20 Connecticut Siting Council approves cell
 21 towers and also gives towns more say in the
 22 process.
 23 We look to and rely on the
 24 farmers of our community to preserve the
 25 vital beauty of the land. And so I urge you

1 again to think of the negative impact this
 2 proposed cell tower will have on health,
 3 views, property devaluation, and the damage
 4 to wildlife, and to a beautiful neighborhood.
 5 Thank you.
 6 THE CHAIRPERSON: Thank you.
 7 Eric Hendlin.
 8 ERIC HENDLIN: Good evening.
 9 I'm Eric Hendlin, H-e-n-d-l-i-n. I'm the
 10 president of the Or Shalom/BISC Cemetery
 11 Association, which is the property next door
 12 to the site of the proposed tower.
 13 Should this be approved, we
 14 have three concerns regarding this. The
 15 first is that the proposed driveway and the
 16 underground utilities are close to the
 17 property line of our cemetery, and bordering
 18 the property line, we have several mature
 19 trees. And I'm just concerned that, you
 20 know, as they're digging, that root systems
 21 don't follow property lines, that they don't
 22 dig up roots, and therefore, kill off, you
 23 know, half a dozen trees that have been there
 24 for, you know, 50 or 60 years, and that I end
 25 up with a whole bunch of dead trees.

1 would be appreciated.
 2 Thank you.
 3 THE CHAIRPERSON: Thank you.
 4 Mitch Goldblatt.
 5 MITCH GOLDBLATT: Chairman
 6 Stein, members of the Connecticut Siting
 7 Council, my name is Mitch Goldblatt. I
 8 reside at 291 Drummond Road in Orange. I'm
 9 also a member of the board of selectmen and a
 10 former first selectmen who had to deal, a
 11 number of times, with cell towers.
 12 I am not currently an abutter
 13 to this property, although following the last
 14 speaker, someday I will be since my burial
 15 plot is next door to this area.
 16 Anyway, first of all, I will
 17 say I share Eric Hendlin's concerns that he
 18 just brought up concerning the cemetery. But
 19 beyond that, having been a former first
 20 selectman and sitting on the board of
 21 selectmen, it has always been the process of
 22 pushing for any cell towers in our town to go
 23 onto either town-owned property or, at the
 24 very least, nonprofit organizational
 25 property.

1 The second is that the
 2 driveway coming down and where it will enter
 3 Derby Milford Road, at that site and that
 4 part of the property, there's an elevated
 5 ridge of rock and -- and probably ledge, and
 6 that the driveway will come down to grade.
 7 But I want to make sure that the area all the
 8 way to the property line is cleared and comes
 9 down to grade with Derby Milford Road, which
 10 will improve the sight line to come in and
 11 out of both that driveway and the driveway
 12 for our cemetery and avoid any -- any
 13 potential traffic problems or accidents that
 14 could occur.
 15 And the third item is -- and I
 16 believe it is on the plan -- is that while,
 17 as was previously stated, during the summer
 18 there's -- trees are full and -- and the base
 19 of the tower will be surrounded by -- by
 20 shade and trees. During the winter months,
 21 it won't. So if there could be, you know,
 22 evergreens planted or, you know, shrubs
 23 planted around the base to improve the -- the
 24 view from, you know, from our property so
 25 that we're not seeing the building, that

1 And I believe this may be the
 2 first case of an individual resident, be it
 3 farmer or whomever, where there would be a
 4 cell tower in the Town of Orange. And for
 5 that, I think we set a dangerous precedent.
 6 We have, in our small town, at least five,
 7 six cell towers already. It's kind of
 8 unbelievable that we are seeing more cell
 9 tower proliferation, at this time, based on
 10 the fact that we know about this application
 11 and, according to our first selectman, at
 12 least two to three others that are in the
 13 wind coming forward.
 14 So it makes me very concerned
 15 that we're seeing this happening and possibly
 16 ending up on private property and not -- and
 17 there's never a desirable location for a cell
 18 tower, but certainly, next to the residents
 19 and in a residential neighborhood area is
 20 certainly objectionable to -- to many in our
 21 community.
 22 I know you can't answer
 23 questions at this time. I'm going to ask a
 24 number of them, and hopefully, they'll be
 25 answered, at some -- some point, in your

1 deliberations.
 2 The application that you've
 3 received, I hope, is a complete one. I also,
 4 hope, as part of that application be
 5 complete, that it also has the transcript of
 6 the town plan and zoning commission meeting
 7 that was held a number of months ago on this
 8 issue, at which I and a few others did appear
 9 and asked questions at that time.
 10 I will say, at that time, I
 11 did suggest, as did others, a couple of other
 12 locations in town nearby that are town owned.
 13 I will credit Attorney Baldwin for getting
 14 back to me and telling me that they didn't
 15 feel those areas were necessarily conducive
 16 to building a tower, although I would ask
 17 that the Siting Council -- to make sure that
 18 the couple of spots that were suggested, one
 19 on Short Road, another one up on the Turkey
 20 Hill Preserve are definitely not conducive to
 21 a cell tower, because if they were, at least
 22 that would put this tower on town property.
 23 Beyond that, I certainly hope
 24 that you are looking at and inquiring for
 25 other locations of this tower. And along

1 homes that are basically on about an acre and
 2 a half to two acres of property. This is on
 3 34 acres of property, as has been mentioned.
 4 I would hope that the tower is
 5 in such an area of that property where it
 6 might be equidistant from other homes and not
 7 so close to one side or the other to make
 8 sure that it is as far away from the existing
 9 residences, some of whom bought their
 10 property from the same property owner,
 11 ironically.
 12 And those are my comments. I
 13 thank you very much for your time and
 14 listening this evening.
 15 Thank you.
 16 THE CHAIRPERSON: Thank you.
 17 Kenneth Lenz.
 18 KENNETH LENZ: Thank you,
 19 Chairman Stein.
 20 My name is Kenneth Lenz,
 21 L-e-n-z. I live at 382 Ridge Road in Orange,
 22 and I, too, am a member of the board of
 23 selectmen.
 24 Selectman Goldblatt has
 25 already mentioned several of the points that

1 with that, because we're hearing about -- and
 2 you may not have actual dockets set up yet --
 3 because we're hearing about other towers,
 4 including one that is not very far from this
 5 location, the Applicant has said tonight that
 6 there is room for three other antennas.
 7 I would hope and sincerely
 8 urge you to make sure that at least one of
 9 those antennas is conducive to AT&T who's
 10 proposing a tower a very short distance from
 11 here. And so, in order to have, you know --
 12 not continue this proliferation of towers,
 13 but actually look for collocation, which
 14 always has been a goal of both our town and
 15 the Siting Council, that we make sure that
 16 any other towers that are in the area are
 17 negated if this tower needs to be built at
 18 all. But if it does, certainly we want to
 19 see one and not any other towers built going
 20 forward.
 21 And then, finally, I'd like to
 22 say that this -- this property that's being
 23 considered, as has been mentioned by another
 24 speaker already, is a large piece of
 25 property, large in comparison to the people's

1 I agree with, and I adopt his concerns. I've
 2 received a number of communications from both
 3 people who live in the proximity and others
 4 in that area of town voicing concern. One of
 5 the concerns is because this is farmland and
 6 there is a public policy in Orange to
 7 preserve farmland wherever possible, I hope
 8 that that's taken into consideration in terms
 9 of whether there are reasonable alternatives
 10 that do not consume valuable farmland in
 11 town.
 12 Secondly, as to the proximity
 13 to the homes, certainly, even within the
 14 acreage of this site owned by the
 15 leaseholder, there are other less onerous
 16 locations for this that are further away from
 17 the houses that are affected by this, that
 18 will have a lesser impact, perhaps, on their
 19 values and the aesthetics.
 20 There appears to be at least
 21 some question as to whether there's a real
 22 need for coverage here or whether this is for
 23 extra volume. And if so, perhaps the
 24 specific location is less sensitive than
 25 simply having an additional cell tower.

1 I know that the board of
2 selectmen discussed and were considering
3 offering part of the Turkey Hill Preserve,
4 which is town-owned property, for such a
5 location. It's not very far away. I don't
6 honestly know exactly, but it couldn't be
7 more than a half mile away from this current
8 location.

9 There are environmental
10 concerns regarding this farmland. It is
11 against the woods, which is declining.
12 The -- I lived in the Rainbow Trail area for
13 the first 20 years that I lived in Orange,
14 and there are a significant number of rare
15 wildlife species in that area that are being
16 driven away. And as additional development
17 goes on, it's going to continue to diminish
18 the -- the wildlife species in that area.

19 And those are my comments at
20 this time. Thank you.

21 THE CHAIRPERSON: Thank you.
22 Alexander Haker.

23 ALEXANDER HAKER: My name is
24 Alexander Haker. I live at 911 Rainbow
25 Trail. And I'm totally confused.

1 done by the Israelis? It will tell you
2 exactly the limitation and the dangers of
3 being closer than a quarter of a mile from a
4 tower.

5 Now, you can ignore it by
6 saying I don't live in Israel, I don't live
7 in Germany. But we need to learn from some
8 people what they do. The children in our
9 neighborhood will suffer. Will anybody --
10 will anybody write me a letter today and tell
11 me nothing will happen to my family because
12 of this tower. Nobody will do it, but we
13 have to buy it. We have to agree with what
14 you say.

15 Thank you, gentlemen.
16 THE CHAIRPERSON: Thank you.
17 Dan Chung.

18 DANIEL CHUNG: Hello. My name
19 is Dan Chung. I reside at 914 Rainbow Trail
20 just across the street from the homes and my
21 neighbors who spoke earlier, who's in the
22 closest proximity to the proposed tower.

23 You know, it's -- I have a
24 serious question as to whether proper
25 notification procedures to the public were

1 Only today we learned that
2 really there's no problem of reception. It's
3 a problem with storing data. Storing data
4 does not require a 120-foot tower. There are
5 technologies. They can store data and do it
6 nicely. Maybe they cost a little bit more
7 money, but it can be done.

8 I am one of the guys that I
9 purchased the property from the farmer ten
10 years ago, and it was beautiful. I still
11 have deer on my property. I see the eagles
12 flying. And everything that you see down
13 there will be destroyed because somebody
14 wants to put a tower on his own property.

15 One of the questions I have is
16 why most of the people in my neighborhood
17 were not even notified. There were only four
18 people, or five, that received notification
19 in the mail. There are plenty of people out
20 there that don't even know what's going on,
21 and they are in the proximity of the tower.

22 I know we don't go for health
23 and I know we don't care what's happening
24 with health, but did anybody look at the
25 study that's done by the Germans, the study

1 followed. I only learned about this a couple
2 weeks ago. I understand that there was
3 something in the newspaper that was posted,
4 but if it wasn't for my neighbors alerting me
5 of the fact, I would not have even known that
6 this was all going on.

7 I didn't receive anything in
8 the mail. I didn't get anything from the
9 office -- selectman's office. So when I
10 found out a couple weeks ago, I was in shock.
11 And I think, similarly, I have many other on
12 Rainbow Trail and Northwood who probably,
13 even at this time, may not know what's going
14 on. So I have a serious question about
15 whether the proper regulations on notice to
16 residents and other concerned citizens were
17 followed.

18 You know, and I also have a
19 very good relationship with the Bspuda
20 family. I've known them for over ten years,
21 and I've heard nothing from them, as well, on
22 what's going on.

23 And -- and to give you some
24 clarity on how this -- why my neighbors are
25 here, the 12 or so homes that were

1 constructed on Rainbow Trail, this is all
 2 former farmland of the Bspuda's. So either
 3 all of us or our builders purchased the land
 4 to construct these homes. And these are
 5 high-end homes.
 6 Rainbow Trail and Northwood,
 7 for you to get a perspective, probably
 8 comprise the highest real estate value in the
 9 Town of Orange. You can see some of the
 10 resales in the recent year or so, probably
 11 about a million dollars in sales of real
 12 estate.
 13 And I can tell you, from where
 14 I reside, as I come down my driveway, full
 15 front and center, I will see the tower above
 16 the tree line at all time of the year.
 17 And -- and I think it will be naive to think
 18 that there won't be a significant drop in
 19 real estate value to my home and the homes of
 20 all of our neighbors.
 21 And so it's -- if you -- if
 22 you kind of multiply that with the most
 23 expensive homes in Orange, you're probably
 24 talking about the greatest appreciation in
 25 real estate value you can have, okay, so --

1 So -- and I know I speak on
 2 behalf of this group here, you know, we
 3 implore you to just really take a grounded
 4 view on this and -- and help make the right
 5 decision on this issue -- important issue.
 6 Thank you.
 7 THE CHAIRPERSON: Those are
 8 all the people that have signed up. Is there
 9 anyone who hasn't spoken before who would
 10 like to -- like to speak at this point?
 11 Yes, sir.
 12 JAMES ZEOLI: Good evening.
 13 Jim Zeoli, first selectman of the Town of
 14 Orange.
 15 I've heard many good questions
 16 and concerns here tonight with this tower.
 17 And it has gone through quite a process over
 18 time. The books have been available. I've
 19 offered them to several people, actually.
 20 One person copied the entire book. I believe
 21 they copied the entire book with all the maps
 22 and all.
 23 One question I do have that
 24 goes to that, in this book, on one of the
 25 particular maps, it shows, the location, a

1 and -- and if there is any doubt, you know,
 2 if -- if they can ever get this balloon in
 3 the right location directly above where
 4 they're supposed to build it -- because I
 5 think that didn't work out today -- in the
 6 proper place, you know, I -- I suggest take a
 7 look. That tower, hundred-foot tower --
 8 ugly, metal tower will be in plain sight of,
 9 I think, everyone in that area.
 10 So we're working with a
 11 35-acre property. If there isn't an
 12 alternate, better location that would benefit
 13 the town revenues from the lessee going to
 14 the town, you know, I would think that there
 15 are multiple locations. Just move it a
 16 thousand foot away from one end.
 17 You have a -- you have a
 18 family or a business that's profited from
 19 selling the land at high prices in 2001,
 20 2002, 2003. And for them to benefit from,
 21 you know, selling this, and in some way
 22 selling out to the people that were their
 23 customers years ago, just seems unfair,
 24 unjust. It just doesn't seem to be the right
 25 thing to do.

1 proposed location of the tower. And the --
 2 it states that the closest resident to the
 3 tower is the Bspuda home at 850 feet. I ask
 4 that that be checked and measured to be
 5 certain that that is correct.
 6 I did do it with a ruler on my
 7 own desk, but I'm not an engineer, and the
 8 houses were further away than that. But I
 9 would just ask that the engineering
 10 department that's handling this be certain of
 11 that.
 12 But I'm Jim Zeoli. I'm the
 13 first selectman for the Town Orange. And I
 14 have to say, first, next time you need a
 15 hearing involving something in the Town of
 16 Orange, I ask that you please call the first
 17 selectman's office if you're told there's no
 18 room for you at the inn, because we will find
 19 room for you in Orange. I don't know how
 20 that happened, but a couple of us do have a
 21 pretty good idea of what transpired there.
 22 But the board of selectmen
 23 have heard about this tower and potentially
 24 four other towers coming forward in the Town
 25 of Orange, three times so far.

1 Unfortunately, they're being driven by usage.
2 And we have other site -- I think one just
3 went through a declaratory hearing down in
4 the commercial district. I saw paperwork on
5 it just the other day. But there are still
6 some others that possibly may be coming
7 forward.

8 One possibly may be a
9 collocator to this site, or this one would be
10 a collocator to that site. That, I'm not
11 quite sure.

12 But we've received three
13 letters in the first selectman's office on
14 this. We've had two visits from one nearby
15 resident, plus staff that came to pick up the
16 document for copying, three phone calls from
17 two different people, all abutters, with
18 concerns that I tried to explain, to the best
19 that we could. And we did offer the document
20 out to anybody who requested it, that they
21 could come and copy it or sit there and read,
22 review it, whatever they wished. But it was
23 available both from the town clerk's office
24 and the first selectman's office and in the
25 zoning office for review.

1 the -- I had heard two of his requests. I
2 didn't hear about the tree one, but that is
3 very valid also for those large maples
4 alongside their boundary line, but they asked
5 if it would be possible to cover the base
6 area with evergreen plantings of some sort,
7 if needed, to disguise and cover up some of
8 that shed, fenced compound there.

9 The other one was actually a
10 benefit. Right next to the entrance/exit to
11 their cemetery is an ancient stone wall,
12 probably was put in when the gate was put in
13 there to retain the rest of the hill that was
14 probably a slope that went to where their
15 driveway is. And I see, on the engineering
16 maps that were shown tonight, the driveway
17 was moved over, or proposed anyhow, at that
18 location, so to remove that stone retaining
19 wall there and excavate that down so that
20 the -- it would make a much safer
21 entrance/exit into their cemetery if that
22 visual block there was eliminated. So I saw
23 that on the maps tonight. So thank you, for
24 that.

25 But there's more to this. We

1 After the meeting with myself
2 and then at the zoning meeting -- and some of
3 this is -- since I'm the last speaker, I
4 guess, backtracks to what others have said --
5 but there were two other locations discussed
6 with the Verizon representatives, the Turkey
7 Hill Preserve site, which is about -- between
8 a half and three-quarters of a mile from this
9 site, and another location called "Short
10 Road," which the Town does own some property
11 there. It sits down, kind of, in a hole
12 across the Street from this property, and it
13 has a sheer rock wall on one side, and it
14 would be closer to the residents of the
15 Quarter Mile Road area if it was pushed
16 across the street onto that site.

17 But they did, I've been led to
18 believe, test both of those locations and
19 review each of those locations, and neither
20 one of them seemed to be suitable.

21 At the zoning meeting, there
22 were concerns raised and -- three or four of
23 them, by different people, both with
24 location, both with -- to Housing Road and
25 the cemetery. And Mr. Hendlin already stated

1 hear about health and all. I went today and
2 looked at the balloon flight. I went from
3 Garden Road, Rainbow Trail, Glenbrook Road,
4 in the Bspuda's part, in their farm on
5 several areas.

6 And I -- I had told my
7 secretary to call me. And I was sitting in
8 Bspuda's property, and my phone did ring.
9 And it did say my office number on it. But
10 then when I tried to talk to my secretary, it
11 was broken up, at best, and she could not
12 communicate with me at that location.
13 However, I do have AT&T service with the
14 town, not Verizon. Sorry. But we did make
15 that attempt as well.

16 But I've heard a lot about
17 health and all, and there are, of course,
18 concerns with that. But I want to tell a
19 little bit, the most important reason that it
20 was brought to light just three weeks ago.
21 So if you can bear with me, a little bit of a
22 story, I think, maybe it'll -- you'll
23 understand it.

24 I was sitting in my office.
25 It was just after lunchtime three weeks ago

1 on Monday. And as it turned out, they had a
2 secretary leaving Turkey Hill School on
3 Turkey Hill Road. She was driving her
4 husband's vehicle going down the driveway.
5 The vehicle lost its brakes. She bailed out
6 of the vehicle. She broke her ankle,
7 suffered a bunch of cuts and contusions and
8 stitches in her head, ultimately. But her
9 vehicle continued down the driveway, across
10 Turkey Hill Road, and took out a main power
11 and connection pole for that area.

12 We had 13,000-volt lines
13 snapping in the street, but the more
14 important part of it was it took out the
15 phone service for a large -- the hardwired
16 phone service for a lot of that region over
17 there.

18 At the same time, Mr. Bspuda,
19 the son, Stephen, was working at a home near
20 his on Glenbrook Road, and his daughter
21 Lauren, was helping them. Something
22 happened, and she noticed her father wasn't
23 right. Well, she got her father in the truck
24 and she got him home.

25 Well, they didn't have

1 Prior to that happening,
2 Mr. Bspuda, Sr., when I talked to him about
3 this tower and then talked about possibly
4 locating it on other town-owned property, was
5 well, if we get it, we get it; if we don't,
6 we don't.

7 After he almost lost his
8 54-year-old son and realizes that there is no
9 communication right there, in that particular
10 region, he's adamant that there will be a
11 tower located somewhere within that area.
12 And I think that need is proven. It's
13 documented. There's police reports, medical
14 reports, and hospital reports to back that
15 incident up.

16 So, with all that said, I
17 understand the reasons why people do not want
18 these. I know there's a question of radio
19 waves with these. I know there's the
20 problems with the viewshed from these and all
21 that.

22 My 89-year-old father tells
23 stories of when they were putting telephone
24 poles and wires up on their streets when he
25 was a child and how now nobody wanted that

1 hardwired phones to use to call 911, so
2 Mrs. Bspuda was using her cell phone trying
3 to call 911. So a call came in for their
4 residence on Glenbrook Road, and I was
5 sitting at my desk and heard the dispatchers
6 on my scanner, and they were calling for a
7 medical at that address, but they said it was
8 broken up and kind of sketchy. They would
9 get them more information, but they did have
10 an address. They could hear Mrs. Bspuda
11 somewhat. She could not hear them.

12 And so they got there. And it
13 turned out it was a 54-year-old man, and he
14 was having -- had a stroke. He was on
15 Celebrex for five days prior to a knee
16 replacement surgery, which was supposed to
17 happen the next day. So they got him in the
18 ambulance, got him medicine. He got to Saint
19 Raphael's. And, ultimately, now he has
20 recovered and is going to, at some point down
21 the road here, get his knee replacement.

22 But this could have been a
23 tragedy. And you talk about health and
24 safety, that was a very real health issue
25 that happened just three weeks ago.

1 and then how it advanced from that. This is
2 the most recent technology. Someday this may
3 change, but at this point, it hasn't changed.

4 Ten years ago the town of
5 Orange, more than that, was considering
6 selling our cell towers because the
7 technology was changing and they were going
8 to be obsolete and we were going to go to
9 satellites. The Town of Orange has been
10 collecting revenue for an additional ten or
11 11 years. So far, the satellites have not
12 come into view. So someday that may happen,
13 but it's not yet.

14 And there is a proven need, in
15 that area, as to why somewhere over in that
16 corridor a cell tower is needed. If this is
17 the location you choose, so be it. If you
18 question it and look for other locations, so
19 be it, but there is a legitimate finding for
20 this.

21 I ask that you review the maps
22 in this book and be certain that the closest
23 house is the Bspuda house at 850 feet. I
24 think that's very important to all of the
25 neighbors. I think it's very important to

1 the town to be certain that has been
 2 verified.
 3 And, at this time, I thank you
 4 for your time listening to all of us.
 5 LAURA HAKER: If I may speak,
 6 Councilor, in order --
 7 THE CHAIRPERSON: Excuse me.
 8 I think you spoke.
 9 LAURA HAKER: I did. I want
 10 to -- I want to --
 11 THE CHAIRPERSON: This is not
 12 for a rebuttal session.
 13 LAURA HAKER: It was just
 14 inaccurate what Mr. Zeoli said.
 15 THE CHAIRPERSON: Do you have
 16 some new information you want to provide?
 17 LAURA HAKER: Yes, I do. I
 18 do.
 19 We were at the site today.
 20 And we received a cell phone call fully and
 21 clearly for -- it lasted for about two
 22 minutes. There was no dropping of the
 23 coverage at all.
 24 Also, as to the health story
 25 that Mr. Zeoli just mentioned, I have direct

1 Tuesday, August 12, 2014, at 1 p.m. I'd also
 2 like to note that anyone who has not become a
 3 party or intervenor, but who desires to make
 4 his or her -- what are you -- no, sir.
 5 You'll get your opportunity,
 6 but not -- not -- tonight is for the public,
 7 not for the intervenor. I'm -- let me
 8 finish -- okay -- who desires to make his or
 9 her views known to the Council may file
 10 written statements with the Council until the
 11 record closes. Copies of the transcript of
 12 this hearing will be filed at the Orange Town
 13 Clerk's Office and Shelton City Clerk's
 14 Office.
 15 So I hereby declare the
 16 hearing adjourned and thank you all for your
 17 participation.
 18 (Whereupon, the above
 19 proceedings were adjourned at 7:55 p.m.)
 20
 21
 22
 23
 24
 25

1 knowledge of what he spoke about. And I
 2 spoke to Mrs. Bspuda. And at the beginning
 3 of the conversation, she told me that she --
 4 that there was a medical situation, but she
 5 said she couldn't get in touch with her son.
 6 And I said I've never had any
 7 problem in that area when I've traveled
 8 round.
 9 At the end of the
 10 conversation, she modified the story and said
 11 it was her son who couldn't get in touch with
 12 her. So there are some inaccuracies in this
 13 story.
 14 Thank you, Council.
 15 THE CHAIRPERSON: We'll take
 16 that for what it's worth.
 17 I'd like to announce that
 18 we're going to continue the evidentiary
 19 portion of the hearing. That was the hearing
 20 that started at 3 p.m. And at that time, the
 21 Intervenor and their attorney will have the
 22 opportunity for cross-examination, as well as
 23 to present witnesses.
 24 And that will be held at the
 25 Siting Council's offices, in New Britain, on

1 CERTIFICATE
 2 I hereby certify that the foregoing 44
 3 pages are a complete and accurate
 4 computer-aided transcription of my original
 5 verbatim notes taken of the Public Hearing in
 6 Re: DOCKET NO. 448, CELLCO PARTNERSHIP D/B/A
 7 VERIZON WIRELESS APPLICATION FOR A
 8 CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY
 9 AND PUBLIC NEED FOR THE CONSTRUCTION,
 10 MAINTENANCE, AND OPERATION OF A
 11 TELECOMMUNICATIONS FACILITY LOCATED AT 831
 12 DERBY MILFORD ROAD, ORANGE, CONNECTICUT,
 13 which was held before ROBERT STEIN,
 14 Chairperson, at the Shelton City Hall, City
 15 Hall Auditorium, 54 Hill Street, Shelton
 16 Connecticut, Thursday, July 17, 2014.
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 25

Robert G. Dixon, CVR-M 857
 Court Reporter
 UNITED REPORTERS, INC.
 90 Brainard Road, Suite 103
 Hartford, Connecticut 06114

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