



Transcript of the Hearing of

Date: October 9, 2014

Volume: I

Case: Docket No. 451 - Council Meeting

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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 451

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
Cheshire Wastewater Treatment Plant, Cheshire
Tax Assessor Map 38, Lot 180,
1325 Cheshire Street, Cheshire, Connecticut

Council Meeting held at the Cheshire Town
Hall, Council Chambers, 84 South Main Street,
Cheshire Connecticut, Thursday, October 9,
2014, beginning at 3:00 p.m.

H e l d B e f o r e:

ROBERT STEIN, Chairperson

JAMES J. MURPHY, JR., Vice Chairperson

1 A p p e a r a n c e s:

2 Council Members:

3 PHILIP T. ASHTON

4 DR. MICHAEL W. KLEMENS

5 DANIEL P. LYNCH, JR.

6 DR. BARBARA BELL

7 ROBERT HANNON, DEEP Designee

8 COMMISSIONER MICHAEL A. CARON,

9 PURA Designee

10

11 Council Staff:

12 MELANIE BACHMAN, ESQ.,

13 Acting Executive Director and

14 Staff Attorney

15

16 DAVID MARTIN,

17 Siting Analyst

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1 A p p e a r a n c e s:(cont'd)
2 For Homeland Towers, LLC, and
3 New Cingular Wireless PCS, LLC:
4 CUDDY & FEDER, LLP
5 445 Hamilton Avenue, 14th Floor
6 White Plains, New York 10601
7 By: DANIEL M. LAUB, ESQ.
8
9 For the Town of Cheshire, Connecticut:
10 MURTHA CULLINA LLP
11 265 Church Street, 9th Floor
12 New Haven, Connecticut 06510
13 By: BURTON B. COHEN, ESQ.
14
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1 THE CHAIRPERSON: Good
2 afternoon, ladies and gentlemen. I'd like to
3 call to order this hearing of the Connecticut
4 Siting Council, today, Thursday, October 9,
5 2014, approximately 3 p.m. My name is Robin
6 Stein. I'm chairman of the Connecticut
7 Siting Council.

8 Other members of the council
9 present are Senator Murphy, our vice
10 chairman; Mr. Hannon, designee from the
11 Department of Energy and Environmental
12 Protection; Commissioner Caron, designee from
13 the Public Utilities Regulatory Authority;
14 Mr. Ashton; Dr. Klemens; Mr. Lynch; and
15 Dr. Bell.

16 Members of the staff present
17 are Attorney Bachman, our executive director;
18 and Mr. Martin, our siting analyst.

19 This hearing is held pursuant
20 to the provisions of Title 16 of the
21 Connecticut General Statutes and of the
22 Uniform Administrative Procedure Act upon an
23 application from Homeland Towers LLC and New
24 Cingular Wireless, PCS, LLC, for a
25 certificate of environmental compatibility

1 and public need for the construction,
2 maintenance and operation of a
3 telecommunication facility located at the
4 Cheshire wastewater treatment plant, 1325
5 Cheshire Street, in Cheshire, Connecticut.
6 The application was received by the Council
7 on August 5, 2014.

8 As a reminder to all,
9 off-the-record communication with a member of
10 the Council or a member of the Council staff
11 upon the merits of the proceeding and this
12 application is prohibited by law. Parties
13 and intervenors of the proceeding are the
14 Applicant, as mentioned, Homeland Towers and
15 New Cingular wireless. Attorney Laub is
16 their representative.

17 The Town of Cheshire is a
18 party. Attorney Cohen is the Town's
19 representative.

20 And we have two intervenors,
21 Jennifer Arcesi -- if I've pronounced it
22 correctly, and if I didn't, I apologize --
23 and Mr. Wassmer.

24 We are proceeding in
25 accordance with the prepared agenda, copies

1 of which are available here in the back or
2 over at the side. Also available are copies
3 of the Council's Citizen Guide to Siting
4 Council Procedures.

5 At the end of this afternoon's
6 session, we will recess and resume again at 7
7 p.m. The 7 p.m. hearing is reserved for the
8 public to make brief oral statements into the
9 record. I wish to note that parties and
10 intervenors, including their representatives
11 and witnesses, are not allowed to participate
12 in the public comment session.

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

21 If necessary, party/intervenor
22 presentations may continue after the public
23 comment's session if time allows. A verbatim
24 transcript will be made of this hearing and
25 deposited with the town clerk's office in

1 Cheshire for the convenience of the public.

2 I understand we have public
3 officials that would like to speak. I'm not
4 sure in which order. I believe we have the
5 Police Chief and the Fire Chief. So I'll let
6 you guys decide who wants to go first and
7 just please come to the podium and just give
8 your name.

9 Thank you.

10 JACK CASNER: Jack Casner,
11 Fire Chief, director of Emergency Management
12 for the Town of Cheshire.

13 Regarding the tower, we're
14 looking to have the facility, I think,
15 incorporate our public safety communication
16 system. Currently, our public radio antennas
17 are 30 to 40 feet off the ground at the water
18 treatment facility. With the added height of
19 the existing antennas from 30 feet to
20 170 feet, that would greatly enhance our
21 public safety communications.

22 Currently, the northeast
23 corner of town, if you took Route 10 and went
24 straight up Route 10 and then about an eighth
25 of a mile before Richard Chevrolet, you cut a

1 line to the Meriden line, we have a
2 significant drop in communications in that
3 whole corner of town, which this would help
4 address.

5 One of the key things that we
6 have is difficulty with portable radios.
7 When a firefighter or police officer gets out
8 of their vehicle, those radios operate on
9 tenths of a watt, and that's where we lose
10 our communications. If a firefighter is a
11 basement in a building or a police officer is
12 in a hole, we've experienced significant
13 interruptions on our communications on I-691
14 where we cannot get back to a dispatcher. So
15 this would enhance and hopefully,
16 essentially, help reduce the areas of
17 noncoverage up there.

18 The reasoning that we want to
19 go -- right now, currently, we would upgrade
20 in the short-term from the 30 to 40 feet
21 where we are, to the top location of the
22 antenna with our current equipment and our
23 current infrastructure. And in the coming
24 years, I would say two to six or eight years,
25 our plan is to go to switch over to microwave

1 communication doing away with the current --
2 I'm not sure how familiar you are with how
3 our radio systems work, but we currently use
4 copper lines to transport our signals over
5 the copper lines to our repeaters and
6 receivers and that's how that works. But if
7 somebody takes out a pole, the potential is
8 there that we lose our communications.

9 It's our intent that Chief --
10 Chief Dryfe and I, it's our intent over the
11 next five years to put microwave
12 communications in. And what that means is
13 you'll hear this, you'll hear the point to
14 point used throughout probably the next hour
15 of discussion, but point to point is
16 essentially line of sight so it takes away
17 the copper lines. It takes away the fiber
18 lines so that if I can see the other
19 microwave receiver -- we have them currently.

20 There's some on Higgins Road.
21 There are some in town already but not used
22 for public safety communications. Neil -- or
23 Chief Dryfe and myself see this as an
24 opportunity that if we don't have this
25 opportunity now it probably wouldn't happen

1 if it was solely on the shoulders of the Town
2 of Cheshire.

3 So we see it as a great
4 benefit for us, from a public safety
5 standpoint, and it is our hope to, in the
6 next five -- four to seven years, I'll say,
7 to implement the point-to-point
8 communications which would eliminate the need
9 for us to rent phone lines. It eliminates
10 the potential for somebody taking out poles,
11 with fiber and copper lines.

12 We've had issues in the past
13 with, you know, the Hurricane Sandy and the
14 Halloween storms where we lose communications
15 with firefighters, fire engines, police cars,
16 public works vehicles, plowing up there.
17 Obviously, this is a bad time of year with
18 the leaves on the trees so that lends to it
19 even more, but that, that corridor, the
20 northeast corridor is a significant spot for
21 us. Even like I said, along Route 10 when
22 you get past Richard Chevrolet, we have a lot
23 of dead spots up there.

24 I pretty much covered all of
25 my notes. I'll give Chief Dryfe an

1 opportunity to make some comments, but those
2 are our comments from the public safety
3 perspective.

4 And I thank you for your time.

5 NEIL DRYFE: Thank you.

6 Neil Dryfe. I'm the police
7 chief in town. We're doing a public safety
8 kind of presentation, so I just really
9 piggyback off Chief Casner's comments there.

10 You know, anecdotally, we can,
11 you know, probably bring up countless police
12 officers and firefighters here to tell you a
13 story about not being able to communicate
14 effectively back to the dispatcher any time
15 they leave their cars up in the northeast
16 sector of town.

17 In addition to that, we would
18 like to take advantage, as Chief Casner
19 mentioned, of the ability to upgrade,
20 significantly upgrade, our communications
21 capabilities by going away from the old
22 copper line that we're using now and going to
23 the microwave point to point.

24 There's an approximate tower
25 150-tower at police headquarters at 500

1 Highland Avenue. And the point to point that
2 the Chief Casner mentions is between that
3 tower there and the proposed tower at the
4 wastewater treatment plant.

5 Reducing the height, we're
6 told by our engineers and consultants, would
7 illuminate the ability for us to have
8 point-to-point communications -- or
9 point-to-point coverage from police
10 headquarters on Highland Avenue to the
11 wastewater treatment plant. So that really
12 prompted us to, you know, to get involved
13 here in making a presentation to you.

14 Again, you know, this is
15 public safety communications. These are
16 police officers and firefighters. They're
17 generally out there in response to a
18 citizen's call for service or some sort of
19 ongoing, you know, incident situation.

20 It only takes one failure to
21 communicate to possibly affect an outcome,
22 whether it's an officer responding to a
23 medical call, a firefighter going to, you
24 know, a structure fire, or a serious car
25 accident where you're trying to communicate

1 information back and forth. Any delay in
2 that, again even one, can make the
3 difference. So we are fully supportive of
4 the project, and we feel that it's essential
5 for our future upgrades in our communications
6 and our ability to maintain a robust public
7 safety communications system.

8 Thank you.

9 MR. LYNCH: Mr. Chairman?

10 THE CHAIRPERSON: We don't
11 have questions now.

12 MR. LYNCH: Well, I have a
13 couple questions.

14 THE CHAIRPERSON: But when the
15 Town is a party, that's when we -- well --

16 MR. LYNCH: But they're not
17 going to appear as witnesses.

18 MR. COHEN: Your Honor, the
19 Town has no objection to Mr. Dryfe --

20 THE COURT REPORTER: Your
21 name, sir?

22 MR. COHEN: Attorney Burt
23 Cohen. We have no objection.

24 MR. LYNCH: In our application
25 for, we have a letter from Northeast

1 Communications on Eric Stein, who's actually
2 appeared before us before, that says that
3 105 feet would be adequate or an improvement
4 for a communications system. And -- but
5 you're going up to 170.

6 Is there a reason for the
7 discrepancy?

8 NEIL DRYFE: The 105 feet,
9 again, it's my understanding the 105 feet is
10 a vast improvement over that 30 to 40 feet
11 that we have now, but it does not give us the
12 ability to upgrade in the future to the point
13 to point because that has to be at the 170.

14 MR. LYNCH: So, Chief, how big
15 is your department? How large is your
16 department? And how many patrolmen do you
17 have?

18 NEIL DRYFE: Forty-eight sworn
19 officers and 12 civilian employees.

20 MR. LYNCH: And your cruisers,
21 do you have computer access?

22 NEIL DRYFE: Yes.

23 MR. LYNCH: Would those
24 computers, if you're looking up registrations
25 or wants and warrants, would they upload off

1 the same communications system, or would they
2 go through a wireless system, like AT&T or
3 Verizon?

4 NEIL DRYFE: They go to
5 wireless, I believe.

6 MR. LYNCH: Thank you,
7 Mr. Chairman.

8 THE CHAIRPERSON: Thank you.
9 Thank you, both.

10 You know they're not sworn in,
11 so I'd wish you'd wait until --

12 Thank you very much.

13 I wish to call your attention
14 to those items shown on the hearing program
15 marked as Roman Number 1D, Items 1 through
16 56. Does the Applicant or any party or the
17 intervenors have any objection to the items
18 that the Council has administratively
19 noticed?

20 MR. LAUB: No objection, Mr.
21 Chairman. Daniel Laub, no objection.

22 MR. COHEN: Attorney Cohen, no
23 objections on behalf of the Town.

24 THE CHAIRPERSON: Since I
25 neither see nor hear any objections, the

1 Council hereby administratively notices these
2 existing documents, statements and comments.

3 Attorney Laub, will you please
4 present your witness panel for the purpose of
5 taking the oath --

6 MR. LAUB: Certainly,
7 Mr. Chairman.

8 THE CHAIRPERSON: -- and rise.
9 Attorney Bachman will administer the oath.

10 MR. LAUB: Certainly.

11 Good afternoon, Mr. Chairman,
12 members of the Council.

13 For the record, Daniel Laub
14 with the firm of Cuddy & Feder here on behalf
15 of Homeland Towers and AT&T.

16 Introducing my panel, to my
17 far left is Mr. Chasse, our project engineer
18 from All-Points Technology. Next, to his
19 right is Mr. Libertine also from All-Points
20 Technology who conducted the visual study; to
21 his right is Mr. Vincent Xavier, who is with
22 Homeland Towers.

23 To my immediate right is
24 Mr. Adam Braillard who is with Smartlink,
25 which is AT&T's outside consultant for real

1 estate acquisition and obtaining sites. To
2 his immediate right is Mr. Martin Lavin from
3 C-Squared Systems, who is our consulting
4 radiofrequency engineer on this project.

5 And I would ask that they
6 stand and be sworn in at this time.

7 S C O T T C H A S S E ,

8 M I C H A E L L I B E R T I N E ,

9 M A R T I N L A V I N ,

10 V I N C E N T X A V I E R ,

11 A D A M B R A I L L A R D ,

12 called as witnesses, being first duly
13 sworn by the Acting Executive Director,
14 were examined and testified on their
15 oaths as follows:

16 MR. LAUB: I would like to
17 note for the record that we did intend on
18 having Mr. Dean Gustafson, our project soil
19 scientist here today. Due to an unforeseen
20 acute medical condition, he could not be here
21 with us today. He should be better later
22 this week, and he will be available for any
23 interrogatory questions.

24 And I understand that we are
25 going to be continuing the evidentiary

1 hearing to a date certain on the end of
2 October, at which time Mr. Gustafson, we
3 fully believe that he will be available for
4 cross-examination at that time, but
5 unfortunately his condition today was such
6 that he wasn't available.

7 THE CHAIRPERSON: Okay. Thank
8 you.

9 Will you continue with the
10 exhibits and the verification process?

11 MR. LAUB: Certainly,
12 Mr. Chairman.

13 As under Roman numeral 2,
14 Appearance by the Applicant, letter B,
15 Exhibits of Identification, we have number
16 one, the application for a certificate of
17 environmental compatibility submitted by the
18 Applicants.

19 Item 2 are the Applicant's
20 responses to the Council's interrogatories,
21 dated September 23, 2014.

22 Item 3 is Applicant's
23 affidavit of sign posting, dated
24 September 25, 2014.

25 Item 4 is the resumes and

1 professional biographies of our witnesses,
2 submitted on October 1, 2014.

3 And Number 5 is our publishers
4 affidavit, dated October 6, 2014.

5 I'm going to start with
6 Mr. Chasse and work down towards Mr. Lavin
7 asking if there's any -- are you familiar
8 with and have you prepared or have you
9 otherwise supervised the work which I have
10 identified in these exhibits?

11 THE WITNESS (Chasse): Scott
12 Chasse, yes, I have.

13 THE WITNESS (Libertine): Mike
14 Libertine, yes.

15 THE WITNESS (Xavier): Vincent
16 Xavier, yes.

17 THE WITNESS (Braillard): Adam
18 Braillard, yes.

19 THE WITNESS (Lavin): Martin
20 Lavin, yes.

21 MR. LAUB: At this time, do
22 you have any corrections or modifications for
23 the Council?

24 THE WITNESS (Chasse): Scott
25 Chasse. Yes, I do.

1 On Answer 5 of the prehearing
2 interrogatories, Set 1, dated September 23rd,
3 there is a typo at the very end of the first
4 paragraph where it discusses what the average
5 basic 3-second wind gust speed is for New
6 Haven County. And it's listed as a hundred,
7 and it should be 105.

8 No additional changes.

9 THE WITNESS (Libertine): Mike
10 Libertine. I have none at this time.

11 THE WITNESS (Xavier): Vincent
12 Xavier, no changes.

13 THE WITNESS (Braillard): Adam
14 Braillard, no changes.

15 THE WITNESS (Lavin): Martin
16 Lavin.

17 One change to make in two
18 locations on page 4 of the interrogatory
19 reply, and on page 9 of the RF report in the
20 application.

21 The structure type for site
22 CT28 -- 2081 is misidentified as "rooftop."
23 It should be monopole. All the other data is
24 correct.

25 MR. ASHTON: Could you repeat

1 that?

2 THE WITNESS (Lavin): On page
3 4 of the interrogatory reply and on page 9 of
4 the RF report in Section 1 of the
5 application. The structure type is listed as
6 "rooftop" for site CT2081. It should be
7 monopole.

8 MR. LAUB: And with those
9 corrections, can you verify the accuracy of
10 these materials and swear to them and adopt
11 them as your sworn testimony today?

12 THE WITNESS (Chasse): Yes, I
13 do. Scott Chasse.

14 THE WITNESS (Libertine): Mike
15 Libertine, yes.

16 THE WITNESS (Xavier): Vincent
17 Xavier, yes.

18 THE WITNESS (Braillard): Adam
19 Braillard, yes.

20 THE WITNESS (Lavin): Martin
21 Lavin, yes.

22 MR. LAUB: And with that,
23 Mr. Chairman, I'd ask that they'd be entered
24 as full exhibits.

25 THE CHAIRPERSON: Does the

1 party or any of the intervenors have any
2 objection to the admission of these exhibits?

3 MR. COHEN: Attorney Cohen, no
4 objection, your Honor.

5 THE CHAIRPERSON: Okay.
6 Hearing or seeing none, the exhibits are
7 admitted.

8 We'll now begin with the
9 cross-examination of the Applicant by
10 Mr. Martin.

11 CROSS-EXAMINATION

12 MR. MARTIN: Thank you,
13 Mr. Chairman.

14 The application states that
15 the proposed facility would enable AT&T to
16 provide reliable wireless services to
17 northeastern Cheshire. So these days what
18 constitutes reliable wireless services?

19 THE WITNESS (Lavin): It's
20 become more and more of a strict definition.
21 We've got 40 percent replacement of the wire
22 line. It's basically services that can be
23 relied upon 90 percent plus of the time
24 within the areas we show as covered.

25 MR. MARTIN: Okay. I guess

1 what I'm getting at is these devices start
2 out as phones, just people making phone
3 calls, but now they do all kinds of things.
4 So what kinds of different -- like, you can
5 make phone calls, you can transfer data.

6 What are some of the other functions?

7 THE WITNESS (Lavin): To make
8 phone calls, to transfer data, the minimum
9 requirements for AT&T.

10 MR. MARTIN: Okay. And how
11 many antennas will AT&T install in this
12 tower?

13 THE WITNESS (Chasse): Twelve
14 are planned.

15 MR. MARTIN: Thank you. And I
16 noticed that AT&T antennas would operate at
17 700 megahertz frequencies, 800 megahertz
18 frequencies, and 1900 megahertz frequencies,
19 but AT&T also has some licensed frequency in
20 the 1800 range. Does AT&T have any plans for
21 the utilization of the 1800 megahertz
22 frequencies at this time?

23 THE WITNESS (Lavin): I'm not
24 aware of 1800 megahertz frequencies, unless
25 it's AWS, Advanced Wireless Services, the

1 1700 and 2100. To the best of my knowledge,
2 those won't be up and running at launch.

3 MR. MARTIN: Okay. Thank you.

4 And would you characterize the
5 site as being intended primarily for coverage
6 or for capacity purposes?

7 THE WITNESS (Lavin):

8 Primarily for coverage.

9 MR. MARTIN: Okay.

10 And in response to an
11 interrogatory about hand-off sites, AT&T
12 identified two planned monopoles. Are these
13 two monopoles future HT or AT&T projects, or
14 do they belong to some other entity?

15 THE WITNESS (Lavin): I -- I
16 don't know who the tower developer is exactly
17 now. I'll ask the panel.

18 MR. LAUB: I don't think
19 anyone on the panel has direct familiarity
20 with that, Mr. Martin.

21 MR. MARTIN: All right. Okay.

22 Of the transmissions handled
23 by a typical site nowadays, is it possible to
24 break them down by voice transmissions versus
25 data transmissions?

1 THE WITNESS (Lavin): It is
2 possible. I believe these days the data has
3 over -- everything is digital and data has --
4 voice has kind of plateaued. Data has
5 overtaken it.

6 MR. ASHTON: Could you speak
7 up. I'm having trouble hearing you.

8 THE WITNESS (Lavin): Voice
9 has plateaued in its growth. Data is our
10 main growth area. There's a mixture of both
11 on these sites.

12 MR. MARTIN: Okay.
13 And could you break them down
14 by certain percentages, voice-only versus
15 another percent for the data types of
16 transmissions?

17 THE WITNESS (Lavin): Without
18 the introduction of voice-over LTE all the
19 voice is carried at 850, by and large, some
20 at 1900. 700 megahertz LTE is exclusively
21 data.

22 MR. MARTIN: But I mean of the
23 traffic handled by a site, a typical site,
24 like how much -- what percentage would be
25 devoted to data versus voice?

1 THE WITNESS (Lavin): In
2 this -- in this area, I don't know. In
3 particular, I believe it's over half data now
4 over voice.

5 MR. MARTIN: Okay. And once
6 you get the voice-over LTE, will that
7 distinction between voice and data kind of
8 disappear?

9 THE WITNESS (Lavin): As the
10 legacy phones exit the market, the -- the
11 distinction between the two will tend to
12 become nonexistent.

13 MR. MARTIN: So, basically,
14 for all intents and purposes, everything
15 would become a data transmission?

16 THE WITNESS (Lavin): One
17 giant pipe of data, yes.

18 MR. MARTIN: Okay.

19 And -- okay. The application
20 includes some statistics on the rapid
21 increase in the demand for data traffic. In
22 AT&T's recent experience is this demand
23 continuing to increase, or is it leveling
24 off?

25 THE WITNESS (Lavin): I

1 believe it is continuing to increase, yes.

2 MR. MARTIN: Okay.

3 And is it possible to kind of
4 predict when a site, such as the one being
5 proposed, might meet its capacity to meet the
6 demand for the services that I use or --

7 THE WITNESS (Lavin): I don't
8 personally have access to enough detail to
9 know the -- hopefully, a few, more than a few
10 years into the future, difficult to predict.

11 MR. MARTIN: Okay.

12 And as more and more of these
13 transmissions are devoted to data, what is
14 the effect of that on the coverage footprint
15 of these individual sites?

16 THE WITNESS (Lavin): The data
17 services don't cover quite as well as voice,
18 but there are continual improvements in the
19 robustness of the RF link to the customer.
20 So those are -- as the -- the systems load up
21 we are also implementing new features and new
22 revisions of the data standard to help them
23 become more robust.

24 MR. MARTIN: Okay. And what
25 would be the size of AT&T's backup generator

1 in terms of electricity generator?

2 THE WITNESS (Chasse): A 35 kW
3 generator is proposed.

4 MR. MARTIN: Okay. Thank you.

5 And would HT consider
6 installing backup power with enough capacity
7 to handle multiple commercial tenants?

8 THE WITNESS (Xavier): No.
9 That's not currently in our business model.

10 Vincent Xavier.

11 MR. MARTIN: Are there any
12 alarm systems planned on the compound or for
13 the equipment shelters of AT&T and the Town?

14 THE WITNESS (Chasse):
15 Traditionally, standard internal alarming
16 devices are included in a prefabricated
17 equipment shelter: a door alarm, high temp,
18 low temp, HVAC fail.

19 As far as the Town's
20 equipment, I'm not sure what they're planning
21 at this time, but if it includes a typical
22 enclosure, those generally have them in
23 place.

24 MR. MARTIN: All right. Thank
25 you. And -- okay.

1 Could you explain how DAS and
2 some other alternative wireless technologies
3 might not be as feasible to provide the
4 service possible from the proposed tower?

5 THE WITNESS (Lavin): Those
6 are more suited to, as we always say, in
7 stadiums, indoor areas, malls. To some
8 extent, outside they're dependent on
9 infrastructure. There has to be poles.
10 There has to be fiber and in a macroscopic
11 setting, like this, for a wide area coverage,
12 it's -- it's not practical.

13 MR. MARTIN: Okay. Thank you.
14 And the application states
15 that the tower would be designed to
16 accommodate a total of four wireless
17 carriers, and that's including AT&T. Does
18 this number include the Town's antennas?

19 THE WITNESS (Chasse): The
20 proposed tower before us today is for four
21 traditional carriers in addition to the Town.

22 MR. MARTIN: Okay. All right.
23 Thank you.

24 And what is the feasibility of
25 other carriers being able to locate on the

1 proposed tower at heights below AT&T?

2 THE WITNESS (Lavin): I
3 can't -- well, from an RF perspective, I
4 can't speak for the other networks. It's --
5 there's plenty of space for them certainly on
6 the -- structurally, the tower is built to
7 accommodate them. Standard allowance is made
8 for their -- for their typical installations.

9 MR. MARTIN: Okay.

10 And the DEEP Natural Diversity
11 Database Review says that a new review
12 request must be submitted if work on this
13 project is not begun by December 4, 2014. Do
14 you think it's possible for HT to meet this
15 deadline, or will it have to submit a new
16 review request?

17 THE WITNESS (Libertine): Mr.
18 Martin -- this is Mike Libertine. That --
19 that's an automatic renewal that the DEEP
20 imposes for these type of reviews. And it's
21 not uncommon for a lot of the proposals
22 before the Council to go beyond that. And so
23 it's common practice to reach out again.

24 They update the Natural
25 Diversity Database every six months. So once

1 the 12 months occurs, or in -- in
2 anticipation of that, once we get through the
3 process for permitting and get the
4 development and management plan into place,
5 we would reevaluate that and we would have to
6 resubmit and we've done that on several
7 projects.

8 So, if this were to be
9 approved, then yes, we would meet that
10 obligation.

11 MR. MARTIN: Okay.

12 So if the Council approves
13 this, does that sort of count as having the
14 project start or underway?

15 THE WITNESS (Libertine): It
16 -- it provides us an approval, and beyond
17 that, it doesn't. We need to make sure that
18 if we have not broken ground within that
19 12-month period, then, in advance of breaking
20 ground, we must submit to the -- to the NDDB
21 and get another review.

22 It could be that, you know, a
23 new piece of data has come to their
24 attention. That's not necessarily the
25 experience we have had. We also have

1 protection -- protective measures in place
2 here for terrestrial species, so that I'm
3 confident that, you know, that will not be a
4 stumbling block moving forward, but it is
5 something we do on a routine basis.

6 MR. MARTIN: Okay. Thank you.

7 And did Homeland fly a balloon
8 at the site today? And, if so, what were the
9 hours of the flight? What were the weather
10 conditions, and were they conducive to good
11 visibility in the surrounding area?

12 THE WITNESS (Libertine):

13 Again, Mike Libertine. Yes, we've had a
14 balloon aloft at the proposed centerline of
15 the tower since about quarter to eight this
16 morning. We had published hours of eight
17 this morning until 6 p.m. which we will keep
18 the balloon up to.

19 Conditions -- also that was
20 tethered to 170 feet of string, so the bottom
21 of the balloon you saw was at 170 feet and
22 it's about a 4-foot diameter balloon that's
23 in the air.

24 From about eight o'clock until
25 eleven this morning, we had fairly calm winds

1 and so the balloon was -- was pretty much at
2 its ultimate height. Shortly after eleven,
3 things started to pick up and were
4 intermittent. We had several times -- we did
5 lose two balloons prior to the actual site
6 walk, but there were times where it would
7 start to come back up from -- it would be
8 over at a 45-degree angle, and then minutes
9 later, it would actually be at its full
10 height.

11 So it's certainly not an ideal
12 day, not a day that we would typically do our
13 work to prepare the type of visual analysis,
14 but I think we had a window of opportunity
15 there so that certainly the general public
16 and the Council had an opportunity to drive
17 around and take a look at what the conditions
18 might be. And I think we'll probably have
19 similar conditions throughout the afternoon.
20 They were calling for increasing winds, so my
21 guess is that we're going to have kind of a
22 mixed bag unfortunately.

23 MR. MARTIN: All right. Thank
24 you.

25 Those are my questions,

1 Mr. Chairman.

2 THE CHAIRPERSON: Thank you.

3 We'll now continue with
4 cross-examination by the Council. First our
5 vice chairman, Senator Murphy.

6 SENATOR MURPHY: Thank you,
7 Mr. Chairman.

8 Mr. Lavin, a couple of
9 questions because at the beginning it was
10 difficult to hear, and so I'd like to go back
11 to the beginning. One of the initial
12 questions was about the standard language
13 about providing a reliable system and what is
14 a reliable system? And was your response one
15 that approaches a 90 percent? Did I hear
16 that right?

17 THE WITNESS (Lavin): Within
18 the area that we show as covered, at least
19 90 percent availability, yes.

20 SENATOR MURPHY: What does
21 that mean? Does that mean if you get
22 10 percent dropped calls, that's sufficient?

23 THE WITNESS (Lavin): If it is
24 10 percent unable to -- or 90 percent is
25 our -- our criterion that --

1 SENATOR MURPHY: Because
2 usually we hear that 10 percent dropped calls
3 is certainly not acceptable.

4 THE WITNESS (Lavin): No, no.
5 More or less to be able to establish --

6 SENATOR MURPHY: So where do
7 you get the 90 percent from? That's what I'm
8 interested in.

9 THE WITNESS (Lavin): It's the
10 statistical basis over the entire cell area
11 to be 90 percent in all the high and low
12 coverage areas. Generally, it will be
13 significantly higher than that, but it is 90
14 percent.

15 SENATOR MURPHY: So if I
16 understand your answer, you take a given area
17 geographically, and if you can do a
18 90 percent coverage of that area, that's
19 reliable?

20 THE WITNESS (Lavin): Ninety
21 percent of the time at any location within
22 that area, yes.

23 SENATOR MURPHY: Okay.

24 THE WITNESS (Lavin): And most
25 locations are significantly more reliable

1 than that.

2 SENATOR MURPHY: Okay. That's
3 the 90 percent factor?

4 THE WITNESS (Lavin): Yes.

5 SENATOR MURPHY: It's not
6 necessarily the dropped calls and what have
7 you?

8 THE WITNESS (Lavin): No.

9 SENATOR MURPHY: It's based
10 upon how well you do every drop within the
11 area?

12 THE WITNESS (Lavin): Yeah.
13 To be able to establish the call 90 percent
14 of the time. The 10 percent dropped calls
15 would never make our --

16 SENATOR MURPHY: Then there
17 was a question about planned site locations.
18 And was the answer -- is you're not aware of
19 the planned?

20 THE WITNESS (Lavin): I'm not
21 aware of who the tower developer is for those
22 planned locations or what the exact status is
23 of them now and the site acquisition and
24 leasing, and so forth.

25 SENATOR MURPHY: Well, the

1 locations you're aware of, because I think
2 they're on your maps.

3 THE WITNESS (Lavin): Yes
4 uh-huh.

5 SENATOR MURPHY: And so what
6 you're not aware of is who might be the
7 developer or when they'll come on?

8 THE WITNESS (Lavin): Yes,
9 that's correct.

10 SENATOR MURPHY: But in doing
11 your statistics for these maps that were
12 prepared for us, the two, there are two of
13 them and show on these maps with the blue
14 star, with blue stars.

15 THE WITNESS (Lavin): The
16 locations, yes.

17 SENATOR MURPHY: Do you have
18 planned heights for those?

19 THE WITNESS (Lavin): I really
20 can't say for sure what the heights will be.
21 They are somewhere in the -- in the
22 development process, and I don't know where
23 they will eventually actually be or what the
24 heights that will be that we'll be able to
25 get.

1 SENATOR MURPHY: So these are
2 ideas that are down the road for AT&T's --

3 DR. BELL: Could I just ask?

4 SENATOR MURPHY: Go ahead. Go
5 ahead, Dr. Bell. Maybe you can help me out.

6 DR. BELL: They're -- they're
7 in various places in the application. One of
8 them, for instance, is in the table past Tab
9 1 of the application, and they're given
10 specific heights. One is 96 in ground
11 elevation; one is 217 ground elevation. Then
12 the antenna centerline is given for one at
13 100 feet, one at 90 feet.

14 So, I mean, you know, these
15 are specifically mentioned. I'm not sure
16 what -- whether you're answering that they're
17 not really the way they're listed in the
18 application, because you really don't know,
19 or whether we can take these facts that we do
20 have in the application.

21 THE WITNESS (Lavin): My
22 understanding is that they are the current
23 target locations and the current target
24 heights. They have not been, to the best of
25 my knowledge, leased or any other --

1 developed to the point where we're sure for
2 now and going forward exactly what their
3 heights will be or their exact locations.

4 MR. LAUB: If I may, Dr. Bell
5 and Senator Murphy, maybe it would be best if
6 I did some investigation with AT&T and got
7 the exact precise coordinates of what's going
8 on with these sites. There's been a lot of
9 changes --

10 SENATOR MURPHY: Right.
11 Because there's quite a bit of material based
12 upon those planned sites in here.

13 MR. LAUB: Right. Understood.
14 So I think we can take that as a homework
15 assignment to get the exact status of those
16 situations.

17 SENATOR MURPHY: Is that okay
18 with you?

19 Okay.

20 Also in the area of coverage,
21 you indicated that you're not aware of what
22 the carriers would do, but if there was a
23 need for a carrier for coverage in the
24 general area that AT&T today has a need for
25 coverage in Cheshire, that this tower will

1 address, wouldn't this tower be sufficient
2 for some other carrier to go on at a height
3 lower than AT&T?

4 THE WITNESS (Lavin): I would
5 think it would be. I can't speak directly or
6 on their behalf.

7 SENATOR MURPHY: But you could
8 give us a pretty good answer as an expert?

9 THE WITNESS (Lavin): A pretty
10 good idea that if I were come -- them coming
11 in here and looking for coverage in this area
12 I'd be very pleased to see this tower, yes.

13 SENATOR MURPHY: And isn't it
14 possible that someone could go on this tower
15 above AT&T?

16 THE WITNESS (Lavin): The top
17 is at -- we are at --

18 SENATOR MURPHY: 170 and
19 you're quite a bit further down.

20 THE WITNESS (Lavin): Fifteen
21 feet of open space. The -- the base of the
22 public safety antenna is at the very top of
23 the tower, and the space from the top of our
24 antennas to the top of the tower would be --
25 would be available. Should be -- end up

1 being about 10 feet.

2 SENATOR MURPHY: Should be
3 able to put one carrier in there.

4 THE WITNESS (Lavin): There
5 should be about ten feet of open space there.

6 SENATOR MURPHY: The need for
7 170 feet is not a need of AT&T? Is that not
8 true?

9 THE WITNESS (Lavin): No.
10 That's a need driven by the future point --

11 SENATOR MURPHY: So the height
12 of this tower is, in essence, driven by the
13 Town?

14 THE WITNESS (Lavin): Yes.

15 SENATOR MURPHY: Okay.

16 So the Town could -- it really
17 could be 20 feet less, absent the needs of
18 the Town, as far as AT&T is concerned?

19 THE WITNESS (Lavin): 145 is
20 our minimum acceptable height, so the tops of
21 our antennas should be at 150 so that would
22 be a 20-foot difference, yes.

23 SENATOR MURPHY: Okay.

24 Mr. Chasse, on the utilities,
25 from the pole, you can tell the utility pole

1 with the number that's listed in the early
2 pages. How does the utilities get from there
3 to the tower?

4 THE WITNESS (Chasse): Well,
5 the proposal -- and again, we've walked the
6 site with CL&P and have done a consult, so
7 this is based on their approvals as well.
8 There's an existing overhead run that stops
9 at the main gate there before we went into
10 where our construction was at. The proposal
11 is to set a new pole opposite that one on the
12 north side of the existing Cheshire Street
13 paved area, do an overhead run, and
14 basically, that pole will serve as a riser
15 and that will then come down and it's
16 underground the rest of the way to the
17 proposed facility, 300 and something --
18 385 feet.

19 SENATOR MURPHY: So,
20 basically, on the town property, for the most
21 part, it's underground?

22 THE WITNESS (Chasse): That's
23 correct.

24 SENATOR MURPHY: Okay.
25 Because the application in words just

1 indicates that there would be utilities from
2 that pole. And I thought you said it was all
3 underground today in the field, but I wasn't
4 sure, but it's not quite all the way. It's
5 overhead initially.

6 THE WITNESS (Chasse): CL&P
7 had indicated to put a pole across the -- the
8 existing road. That's the only overhead
9 part. The rest is underground.

10 MR. ASHTON: Mr. Chairman, if
11 I may just for a clarification?

12 Mr. Chasse, it's not Cheshire
13 Street you're coming from. It's a driveway
14 or access way off Cheshire Street. Is that
15 fair to say?

16 THE WITNESS (Chasse): That is
17 correct. I stand corrected, yes.

18 MR. ASHTON: Okay. That's my
19 point. Thank you.

20 Sorry.

21 SENATOR MURPHY: And the other
22 question I wanted to ask -- the question is
23 relative to the search site. The search
24 study by AT&T listed this site and two others
25 that RF engineers found unsatisfactory.

1 Homeland's site search indicates five -- five
2 potential locations, one of which is the one
3 that's before us.

4 Number 5 is unsuitable, but
5 others are indicated as not pursued because
6 you didn't hear from the landowner. And what
7 I'm interested in knowing is what kind of
8 efforts were made by whoever it was that was
9 acting for Homeland to get to these people
10 and see whether or not they were interested?

11 You were the gentleman who --
12 you're in charge of that end of it?

13 THE WITNESS (Xavier): I was.
14 I actually -- I personally did this.

15 SENATOR MURPHY: Okay. Well,
16 I've guess we've got the right guy.

17 THE WITNESS (Xavier): I am.
18 Vincent Xavier again for over there.

19 The reason there's two
20 different site search analyses that were
21 supplemented is because, I, as Homeland
22 Towers, do not get direction from AT&T
23 telling me where they want a tower.

24 SENATOR MURPHY: Right.

25 THE WITNESS (Xavier): My job

1 really is to identify the holes, find the
2 best way to fill that hole, and then see if
3 there's interested parties, including
4 interested tenants.

5 In this area, basically what I
6 did, was I took your data from your database.
7 I turned it into a file that I could open on
8 Google Earth that basically shows me on
9 Google Earth all existing towers in
10 Connecticut. So, basically, I started
11 looking for obvious holes.

12 So once I identify a hole,
13 based on the visual aspect of just the
14 location and nearby sites, I go out and I
15 drive the area. And either by using --
16 simply driving around looking at my phone to
17 see if I have a lack of coverage or by using
18 apps on the phone that allow me to do an
19 informal drive test, I identify a need.

20 And so that's how I came to
21 identify this need, and as you can see in my
22 site search summary, the properties I
23 identified are not the only properties I
24 looked at. Those are simply the ones I
25 deemed potentially most viable due to either

1 existing zoning conditions or the size of the
2 property.

3 SENATOR MURPHY: So you -- let
4 me move in.

5 THE WITNESS (Xavier): Sure.

6 SENATOR MURPHY: You
7 identified five sites as possibilities that
8 would work for AT&T to the best of your
9 knowledge today. Are RF engineering things
10 done -- studies done on all five sites?

11 THE WITNESS (Xavier): No.

12 SENATOR MURPHY: No? But
13 three of these five were discounted because
14 your correspondence was not responded to.
15 And what I'm really looking for is, how hard
16 did you try to reach these people? Did you
17 just send them a letter and forget about it
18 because we've got the town site in the pocket
19 or something like that?

20 THE WITNESS (Xavier): Well,
21 this site search area is actually fairly
22 unique, because, yes, I do send certified
23 mailings. And unless I hear -- if I do not
24 hear a response back from anybody, I'll
25 either send another set of certified mailings

1 to maybe potentially less interesting
2 candidates or I'll try and knock on doors.

3 SENATOR MURPHY: And you did
4 that in all three of these?

5 THE WITNESS (Xavier): I did
6 not follow up after I did not receive a
7 response to my certified mailings for two
8 reasons: one, at the time I did have two
9 parties that were communicating with me as
10 interested, the Town, obviously, and the City
11 of Meriden.

12 And in working with both of
13 them, since I had an interested party, there
14 was no need for me then to follow up on
15 candidates that were not interested in my
16 letter, which I was a able to verify that
17 they received and they never responded to it.
18 There was no reason for me, at that time, to
19 then go on their door and harass these people
20 who were not interested.

21 SENATOR MURPHY: Okay. So
22 basically you found five. You started
23 working with two. You never heard from the
24 other three and you felt you had enough,
25 enough going for you to just keep on going

1 with the two?

2 THE WITNESS (Xavier): I'm
3 sorry. One correction. One, I did receive a
4 response back from one of the other parties
5 which would have been identified as the
6 Hickory Hill Orchard, which on the map I have
7 in front of me would have been Site 5, the
8 Hickory Hill Orchard.

9 And I met with that landowner.
10 So I did a site visit with him. He
11 identified where on the property he would
12 have preferred a tower to be located. It was
13 not ideal --

14 SENATOR MURPHY: I'm sorry
15 there were six instead of five.

16 THE WITNESS (Xavier): Yeah,
17 yeah.

18 SENATOR MURPHY: But so there
19 were three you didn't pursue?

20 THE WITNESS (Xavier): Correct.

21 SENATOR MURPHY: And one ended
22 up good?

23 THE WITNESS (Xavier): Correct.

24 SENATOR MURPHY: Okay. So --
25 but that was the limit of how far you went

1 with them. You sent it by certified mail and
2 when you had responses from the two towns,
3 you probably realized the Siting Council
4 prefers public land so that the taxpayers get
5 the rent. You thought you were in good
6 shape?

7 THE WITNESS (Xavier): That
8 definitely goes into my approval from my boss
9 as to whether or not it's --

10 SENATOR MURPHY: I can
11 appreciate that. Okay.

12 Mr. Chairman, I think that's
13 all I have for now at least. Thank you very
14 much.

15 Thank you.

16 THE CHAIRPERSON: Thank you.

17 Dr. Bell.

18 DR. BELL: Thank you,
19 Mr. Chair.

20 On page 8 of the application,
21 I guess this question is for Mr. Lavin. The
22 application notes that Connecticut doesn't
23 have as many wireless households as the
24 national average. That's a statistic that we
25 see fairly frequently.

1 My question is, does AT&T have
2 any way of knowing how many of its
3 Connecticut subscribers are wireless-only
4 households?

5 THE WITNESS (Lavin): Not
6 that -- not to my knowledge, not that I know
7 of.

8 DR. BELL: So you -- you're
9 not providing these. AT&T isn't providing
10 this information, this type of information
11 that we see quoted?

12 THE WITNESS (Lavin): That I
13 think that statistic might be from CTIA.
14 Yes, it is from CTIA.

15 MR. ASHTON: May I suggest you
16 keep your voice up?

17 DR. BELL: Okay. So you have
18 no way -- so you don't know, for instance,
19 whether the situation in Connecticut is
20 similar -- I'm sorry -- for you, you don't
21 know whether AT&T's statistic is the same for
22 Connecticut, as what CTIA is saying for that
23 applies to all wireless carriers?

24 THE WITNESS (Lavin): I don't
25 know if it's the same as the overall, no.

1 DR. BELL: Okay. On page 10
2 of the application, it said the proposed
3 facility would allow AT&T and other carriers
4 to provide these benefits to the public that
5 aren't offered by any other form of
6 communications system.

7 Are you just referring to
8 communications systems that aren't wireless
9 or what?

10 THE WITNESS (Lavin): I
11 believe we're just -- we're just referring to
12 the wireless standard AT&T and other wireless
13 carriers and -- and the standard wireless
14 services, personal wireless services -- or I
15 don't -- perhaps, I don't quite understand
16 the question.

17 DR. BELL: Well, I'm just
18 looking -- are you talking about something
19 more specific than standard
20 telecommunications services, for instance,
21 DAS or any of those other alternatives?

22 THE WITNESS (Lavin): Compared
23 -- compared to a DAS system or an alternative
24 way of delivering the same personal wireless
25 services, yes.

1 DR. BELL: Is that what you're
2 talking about?

3 THE WITNESS (Lavin): Yes.

4 DR. BELL: Other ways of
5 delivering?

6 THE WITNESS (Lavin): Other
7 ways of delivering the same service, yes.

8 DR. BELL: Wireless service?

9 THE WITNESS (Lavin):
10 Wireless, the same wireless service to the
11 same customers.

12 DR. BELL: Okay. Thank you.

13 And I guess sticking with you,
14 under Tab 1, page 1, there's a note. And it
15 says "The threshold range differences between
16 the 700 megahertz and 1900 megahertz
17 frequency bands directly correlates to the
18 tight branch diversity receivers deployed in
19 AT&T's receiver design."

20 THE WITNESS (Lavin): Yes.

21 DR. BELL: What does that
22 mean?

23 THE WITNESS (Lavin): There's
24 a specific type of maximum ratio combining
25 that is only available currently on the

1 1900 megahertz system, which allows it to
2 operate 3 dB lower levels than the 700. I
3 don't know when it's going to be available at
4 700.

5 DR. BELL: So should there be
6 an "of" before the words "branch diversity,"
7 the type of branch diversity receivers
8 deployed?

9 THE WITNESS (Lavin): It
10 should be type -- type of branch diversity,
11 yes, "of."

12 DR. BELL: Okay. I just
13 couldn't make heads nor tails of that.

14 THE WITNESS (Lavin): It's not
15 tight branch diversity. It's type of branch
16 diversity, yes.

17 DR. BELL: Okay. Now these
18 are kind of like housekeeping questions, I
19 guess, and I do have one housekeeping
20 question about -- that goes to somebody else,
21 I guess, Mr. Chasse.

22 Behind Tab 4, I guess, it's
23 page 3, the site impact statement, there's a
24 heading, Special Building Information, and it
25 says the 100-year flood line, elevation 112

1 is located on site west of the proposed
2 facility. And the 100-year flood line
3 elevation 112.7 is located on site south of
4 the proposed facility.

5 Is that a typo? Because on
6 the maps you show a 500-year flood line which
7 is close to the elevation of the 100-year
8 flood line. But here in this plug of type
9 you're talking about the 100-year flood line
10 twice. Do you see what I'm saying? Is that
11 a typo?

12 THE WITNESS (Chasse): No,
13 it's not. The 100-year floodplain is at
14 one -- 112.7 AMSL on the west side. And the
15 500 is at 113.9, and that's also shown on the
16 plans.

17 DR. BELL: Okay. So there's
18 two different elevations for the 100-year
19 flood on either side?

20 THE WITNESS (Chasse): That's
21 -- that's correct.

22 DR. BELL: And the 500 year is
23 at -- say again?

24 THE WITNESS (Chasse): 113.9.

25 DR. BELL: 113.9. Okay.

1 Thank you.

2 Now back to Mr. Lavin, and
3 this, my question relates to -- partly
4 relates to this matter that Senator Murphy
5 and I were asking about these planned sites.

6 My basic question is, what are
7 the coverages shown on maps where you say
8 "existing coverage?" Okay. What is actually
9 being shown under the heading of the label of
10 Existing Coverage? Now we know that the
11 existing coverage doesn't -- it comes from
12 sites that aren't always necessarily shown on
13 the maps. We've determined that in other
14 hearings. So I'm just trying to get a bead
15 on what actually is being shown for the
16 existing coverage.

17 And it looked to me, because
18 of certain features of the map, as if those
19 planned sites, which you say are quite
20 hypothetical, were actually being shown as
21 existing coverage. The reason I think that
22 is because they're right in the middle of
23 green areas.

24 THE WITNESS (Chasse): Yes,
25 they are, uh-huh.

1 DR. BELL: So that leads me to
2 conclude -- but I'm asking it correctly or
3 incorrectly -- that those sites are being
4 shown as providing existing coverage. Am I
5 correct on that?

6 THE WITNESS (Lavin): They are
7 shown in there based on the best available
8 information on where they will be in order to
9 make the maps as conservatives --
10 conservative as possible in showing -- not
11 showing areas picking up coverage that are
12 presumed to be covered by that site when it
13 comes on, to make no -- to make no claims of
14 coverage that is for another site.

15 DR. BELL: Okay. So that
16 answers about the planned sites.

17 Now, you have a map called
18 Neighbor Sites. Is that -- and the planned
19 sites are on that neighbor site list. Is
20 that the list of sites that you are using for
21 the existing coverage map?

22 THE WITNESS (Lavin): Those
23 are the sites for the -- the coverage of all
24 those sites is shown on the coverage maps,
25 yes.

1 DR. BELL: Okay. So that
2 is -- it's more than the list of the hand-off
3 sites. So you're not just showing average
4 from the hand-off sites. You're showing
5 coverage for more?

6 THE WITNESS (Lavin): Yes.

7 DR. BELL: Okay. Now just one
8 more question about this because there's a
9 lot of information about different sites.
10 Now, there's the famous list of the 45 sites.

11 THE WITNESS (Lavin): Yes,
12 uh-huh.

13 DR. BELL: And AT&T is on 17
14 of those sites.

15 THE WITNESS (Lavin): Yes.

16 DR. BELL: But you're saying
17 that the existing coverage maps are not
18 showing coverage of all 17 of those sites.
19 Rather the number is limited to what we just
20 discussed, the neighboring sites.

21 THE WITNESS (Lavin):
22 Neighboring sites, any -- any site that would
23 have any coverage that would be within the
24 area of the plots we've shown, that that
25 coverage is shown. There isn't any AT&T

1 coverage that isn't shown on those maps.

2 DR. BELL: I mean, because the
3 45 sites are within a 4-mile distance. And
4 some of these sites on the existing coverage
5 maps are within four miles, so I'm hearing
6 what you're telling me that any site -- that
7 only the neighboring sites are being shown,
8 but you're saying that any site that is
9 anywhere nearby that could provide coverage
10 is being shown on the existing site's
11 coverage.

12 But what I'm saying is that
13 some of those 17 on the big list of 45 are
14 within the distance, at least, you know, just
15 looking quantitatively, they're within that
16 distance. There may be some other reason
17 they can't reach the area affected, but they
18 look to be sites that could reach into that
19 area and provide the existing coverage.

20 Please understand, I'm not
21 saying they look as if they could provide
22 coverage that would overlap with what you're
23 proposing for this site. I'm not saying
24 that. I'm just trying to understand what's
25 represented when you say "existing coverage."

1 THE WITNESS (Lavin): It is
2 all the coverage plus the two search rings.
3 It's all the sites shown in the neighbors
4 site list.

5 DR. BELL: Okay. Does the
6 list of neighbor sites in the two -- which
7 includes the two?

8 THE WITNESS (Lavin):
9 Propagation studies were done on all of them
10 and all of the coverage, even if doesn't make
11 it to the map, is on there somehow.

12 DR. BELL: Okay.

13 Now my last question has to do
14 with a different matter. In Answer 11 of the
15 response to the Council, there's a table and
16 it shows the coverage that you're getting,
17 the incremental coverage that you're getting.

18 So do you see that table?

19 THE WITNESS (Lavin): Yes.

20 DR. BELL: Okay. Now the
21 first one is Route 70 and compared with the
22 coverage that you're getting on the other
23 roads: Nob Hill Road, Riverside Drive,
24 Redstone, they all look pretty good. You get
25 pretty good additional coverage. But State

1 Route 70 looks very bad. You're not getting
2 much coverage. So State Route 70, I would
3 assume, is a major objective for you.

4 So my question is, do you have
5 some plan to deal with that?

6 THE WITNESS (Lavin): There
7 are additional search rings in the area, yes.

8 DR. BELL: So this, this one
9 isn't providing all that much coverage for
10 State Route 70 so your plan is to look at
11 other towers in the area?

12 THE WITNESS (Lavin): This
13 particular site, yes.

14 DR. BELL: Thank you.

15 Those are my questions,

16 Mr. Chair.

17 THE CHAIRPERSON: Thank you.

18 Dr. Klemens.

19 DR. KLEMENS: Thank you,

20 Mr. Chairman.

21 I'm having a little bit of
22 difficulty with some of my questions, and I
23 think I need to understand. I don't believe
24 Mr. Libertine, you're prepared to talk about
25 Tab 6 because I know some of the things you

1 have attested to, but I think -- are you
2 going to be able to talk to me about Tab
3 Number 6?

4 THE WITNESS (Libertine): In
5 the main application?

6 DR. KLEMENS: Yes, sir.

7 THE WITNESS (Libertine): I
8 can try. I'm not sure. This looks like this
9 is a summary section of several of the -- I
10 will certainly give it a shot, and if I'm not
11 comfortable, I'll certainly let you know.

12 DR. KLEMENS: Okay. Let's
13 start there, and then I'm going to work
14 backward. And I know the vernal pool report
15 and the avian resources report, all of that
16 I'm going to have to wait until Mr. Gustafson
17 appears; is that correct?

18 THE WITNESS (Libertine): I
19 would prefer on the vernal pool report, yes.

20 DR. KLEMENS: And the avian?

21 THE WITNESS (Libertine): The
22 avian, I'm -- I'm involved in. I'm involved
23 in all of them from an oversight, and the
24 avian, I -- I'm more comfortable in speaking
25 to some of those issues.

1 Again, if it gets about some
2 specific that I may not be comfortable, then
3 I would certainly let you know.

4 DR. KLEMENS: Okay. I'm
5 actually on the vernal pool -- give you one
6 or two things to take back to Mr. Gustafson,
7 if that's acceptable?

8 THE WITNESS (Libertine): Sure.
9 It is to me as long as the
10 Council finds it acceptable.

11 DR. KLEMENS: Yeah, just
12 there's some things that I think need to be
13 clarified.

14 THE WITNESS (Libertine): Sure.

15 DR. KLEMENS: Okay. Let's
16 start. Let's try this out. On Tab Number 6,
17 just there's a -- this concept of a
18 cryptic-style vernal pool. That's a term
19 that I have never, never seen. There are
20 cryptic vernal pool and there are classic
21 depressional vernal pools. So do you wish to
22 tell me what a cryptic style pool is?

23 THE WITNESS (Libertine): I
24 believe that's just a typographical error and
25 it should just read as a cryptic vernal pool.

1 DR. KLEMENS: So we can
2 correct that as long as we can also correct
3 the button bush, and not button brush there?

4 THE WITNESS (Libertine):
5 Correct.

6 DR. KLEMENS: And the 150 feet
7 wets to west. Right? Okay.

8 THE WITNESS (Libertine): Yes.

9 DR. KLEMENS: Great. Earlier
10 you testified that protective measures were
11 in place for terrestrial species. I think
12 you may want to try to tell us which
13 terrestrial species.

14 THE WITNESS (Libertine): Yes.
15 We had gotten a response from the Connecticut
16 DEP Natural Diversity Database, and they did
17 identify that there were turtle species. And
18 I want to make sure I quote the right one,
19 because in this case -- bear with me one
20 second until I get to the right tab.

21 Behind Tab 10 is the DEEP's
22 response letter to our inquiry for this
23 particular docket. And, in this case, they
24 identified both wood turtle and Eastern box
25 turtle as being potentially in the vicinity

1 of this site.

2 As a result, we had
3 coordinated with them and provided them a
4 turtle protection plan which would be,
5 essentially, things that you've seen similar
6 in the past in these type of situations so
7 that we could, essentially, isolate the
8 construction zone during those activities to
9 minimize their opportunity to get into that
10 construction zone.

11 Those particular notes and
12 entire program -- because it does include
13 contractor awareness program prior to
14 construction activities and then actually
15 putting in the actual barriers, which
16 essentially go hand in hand with the erosion
17 and sedimentation controls -- that entire
18 plan will get, if this gets approved, would
19 get carried onto the construction documents
20 through the development and management plan.

21 DR. KLEMENS: I see. So the
22 reason it's not in here and referenced --
23 this is to my question -- it's referenced in
24 two places in here. Your position is that
25 that part of the D and M plan, that you're

1 not going to submit that?

2 THE WITNESS (Libertine):

3 Well, we certainly could. It's prepared. If
4 it's something the Council would like to see
5 in advance, we typically do it at the --
6 well, I shouldn't say, typically. I've seen
7 it done both ways. Sometimes it is included
8 in the application, but it's -- it's always
9 part of the development and management plan.

10 DR. KLEMENS: Yeah. Unless
11 anyone objects, it's probably good to have it
12 here because for the public to see it. We've
13 seen it all numerous times, but it would
14 probably be worthwhile to put it into this
15 application so the public can see what you
16 plan to do.

17 I'm going to sort of jump
18 around. I have a question on the SHPO letter
19 which is -- that's also your department.
20 Right?

21 THE WITNESS (Libertine): Yes,
22 sir.

23 DR. KLEMENS: Maybe you can
24 illuminate me or educate me as if SHPO sees
25 there's no adverse effect of what's being

1 presented, why are they putting this
2 condition to remove it after six months? It
3 seemed sort of counterintuitive to me.

4 THE WITNESS (Libertine): We
5 found -- I totally agree with -- with that
6 opinion. I found it to be a little bit
7 contradictory. I think -- and I don't want
8 to put words in the SHPO's mouth -- my guess
9 is that it's become standard practice for
10 them to put it in every single response
11 letter that we have received on
12 telecommunications facilities.

13 So my guess is it's just
14 something they want to have in there in the
15 event that the tower does become obsolete,
16 that there's another opportunity for a
17 trigger to occur for that to come down.

18 DR. KLEMENS: Irrespective of
19 whether they have actually determined not to
20 be an adverse impact?

21 THE WITNESS (Libertine): I
22 would say it's two separate -- my opinion is
23 it's two distinctly separate things, and
24 yeah, it seems to be at odds a bit.

25 DR. KLEMENS: Somewhat, yeah,

1 but that's not surprising sometimes.

2 Let's look quickly at the
3 visual assessment. I was very -- actually
4 very interested in one tab, if I can find it.
5 This would be right behind tab -- it
6 continues under tab -- what is it, Tab 9.

7 It is your first topographic
8 map where you're showing -- is it numbered in
9 any way? It's the first page of your
10 visibility analysis, the topographic map.

11 THE WITNESS (Libertine): Oh,
12 I'm sorry. The photo documentation log?

13 DR. KLEMENS: Yeah.

14 THE WITNESS (Libertine): Yes.

15 DR. KLEMENS: Yeah, so I guess
16 you call it the, yeah, the photo
17 documentation. This is actually very helpful
18 because you're actually showing topographic
19 elevations, you know. It's very different
20 when you see this as compared to looking at a
21 flat.

22 THE WITNESS (Libertine):
23 Right.

24 DR. KLEMENS: And what I'm
25 interested, can you tell me approximately the

1 USGS elevation of the proposed site roughly?

2 THE WITNESS (Libertine):

3 Well, the -- the surveyed height is 116.

4 We're probably -- what we're showing is

5 between the 110- and 120-foot elevation, so

6 it's in that 116-foot range.

7 DR. KLEMENS: And at points

8 number 9 and 10 across the river, could you

9 give me a rough -- a rough sense of the

10 elevation?

11 THE WITNESS (Libertine): Nine

12 is probably in the 175-foot range, generally

13 speaking. And then as you move to one -- to

14 number 10, that's almost at about the

15 200-foot contour, so it's elevated above the

16 site location.

17 DR. KLEMENS: So, in terms of

18 visual impact, what does that mean for the

19 neighborhood that's right to the west of the

20 site on those bluffs? Are they seeing more?

21 I mean, is some of it screened just by the

22 topography? Could you explain?

23 THE WITNESS (Libertine): No.

24 Because they are somewhat elevated, there is

25 the opportunity to look at an angle -- I

1 won't say down because in this case that
2 170-foot pole is going to be in -- in the
3 air.

4 There -- there are some visual
5 buffers in the fact that we do have quite a
6 bit of trees intervening, but because you're
7 elevated, the top portions of the tower
8 during the -- what I'll call the leaf-off
9 times of the year, are going to be -- it's
10 going to be visible from some of those
11 locations.

12 Because of its -- that
13 differential of anywhere of 60 to, perhaps,
14 as much as -- maybe not quite 90, maybe
15 75-foot differential from our ground
16 elevation to their ground elevation allows
17 them to kind of look out on a similar plane,
18 as opposed to having the opportunity to have
19 trees buffer them in front at kind of an
20 oblique angle.

21 So, again, there's sufficient
22 buffer during this time of year, but as the
23 leaves come off the deciduous trees, there's
24 quite a broad, open -- I won't say, open
25 view, an obstructed view out to that whole

1 general area. So being elevated allows that
2 upper portion of the tower to be -- to be
3 visible from some of those locations.

4 DR. KLEMENS: So they have
5 more because they're higher? I'm trying to
6 grapple. Are they having -- because of this
7 angle, are they having, in your opinion, more
8 visibility, or is it somehow part of the
9 tower lost in the valley?

10 THE WITNESS (Libertine):

11 Well, you certainly lose quite a bit in the
12 valley, but as -- if you can take a look at
13 Photo Number 10, it gives you a pretty good
14 indication of that, that particular vista.

15 And what happens is, yes, the
16 lower portions of the tower are going to have
17 a backdrop of the trees and what little bit
18 of topo -- topographic break is to the east,
19 which is fairly minimal, most of the rise
20 occurs to the west in the immediate area.
21 And I guess to a lesser degree, Number 9,
22 Photo Number 9 also will give you that
23 perspective.

24 You certainly see that there
25 are quite a bit of trees intervening, but

1 this -- these photos were taken in the winter
2 to give you an idea of the leaf off. So,
3 yeah, it's really the upper portions of that
4 tower that are going to have that silhouette
5 effect beyond -- behind it. And probably the
6 top, from that perspective, you're probably
7 talk -- talking about the top 40 to 50 feet
8 that might have that. And, again, it depends
9 where you're -- where you're standing up
10 there.

11 But -- and yeah, I'd say
12 that's a pretty reasonable expectation, 40
13 to, maybe -- maybe, in some cases, as much as
14 55 or 60 feet of the tower.

15 DR. KLEMENS: Now, in Senator
16 Murphy's questioning, we sort of established
17 about 20 feet of this tower is being driven
18 by the Town's needs, which we heard earlier.

19 Can you comment on there have
20 been two -- two stealth techniques we've
21 talked about in recent dockets. One has been
22 the pine, the mono, the pine. The other one
23 has been the two-tone coloration of the
24 tower.

25 Can you opine as to either of

1 these lessening -- or lessening the impact,
2 or what is your recommendation?

3 THE WITNESS (Libertine):

4 Well, we've got -- I'm going to generalize
5 here, but we've got two really distinct
6 viewpoints that we're talking about. We have
7 some nearer views that do not, certainly on
8 the property itself and immediately off the
9 property, where at 170 feet and even at
10 150 feet, my guess is that we're going to
11 have that kind of silhouette effect that we
12 just cannot avoid.

13 I think, in this case, we
14 don't really have the -- what I'll call
15 sufficient surrounding either conifers or
16 even a heavy deciduous forest layer of the
17 height that would really accommodate a
18 monopine. I think a monopine here would just
19 be -- I think the only way I can describe
20 something that maybe everybody could resonate
21 here with on the Council is it would be very
22 similar to the views on 44 of the Winchester
23 Tower only because it's just -- we just
24 don't -- can't take advantage of that
25 backdrop.

1 Now, I will say looking east
2 -- I'm sorry -- looking west from portions of
3 this property and maybe even further out to
4 the east looking back to the west, you might
5 be able to take advantage of a bit of this
6 hillside where 9 and 10 were taken from, but
7 again, I don't believe 170-foot monopine
8 really is going to do the trick.

9 So now we talk about this
10 other option. And depending upon the type of
11 coloration, maybe a -- kind of a light blue
12 with that white tone to it, similar to a day
13 that's somewhat cloudy, like today, the top
14 part of that tower from -- certainly from
15 those views that we're looking at eastbound
16 from the 9 and 10 locations to the west, that
17 has potential. If it's a darker pole, you
18 know, up to a certain height and then
19 transitioning to a lighter color and the
20 antennas and the mounts all being painted
21 similarly, it -- it could help soften it.

22 I'm always a little reluctant
23 to say that that's going to be the panacea
24 for these only because, as you know, in New
25 England, every day is different. We never

1 get two days the same in terms of the sky
2 element. So that color does become kind of a
3 key component, but it certainly has been
4 done.

5 Homeland has done it fairly
6 successfully on some of their New York
7 facilities, so it's certainly a potential
8 that could be considered here.

9 But, from my perspective, any
10 other camouflage technique in terms of tree
11 or any of those more physical components, I'm
12 not sure that's really going to do the -- do
13 the trick here.

14 DR. KLEMENS: Well, thank you
15 for that.

16 One thing I'd like you to
17 bring back and question Mr. Gustafson about
18 is this, on the vernal pool map in the
19 interrogatory. I think I'd like to take a
20 look at that map and this is really to take
21 back to him and he can hopefully deal with
22 that next time, is you parsed out the ball
23 field from the recreational fields in the
24 developed area and treated them as two
25 separate entities.

1 And I would ask you to look
2 back at Calhoun and Clemons, look at what's
3 been done and consider whether or not those
4 two should be amalgamated into a single
5 developed unit. Just have him review that,
6 and that's all I will say.

7 Let's go to --

8 THE WITNESS (Libertine):

9 Dr. Klemens, not to interrupt you, but just
10 so you'll know, when I reviewed that, that
11 was a question I had also for Mr. Gustafson
12 and he -- he gave me what I though was a very
13 defensible answer, but I'll let him speak to
14 that.

15 DR. KLEMENS: Please do.

16 THE WITNESS (Libertine): But
17 I'll also have him revisit this and maybe run
18 it both ways so that at least we can take a
19 look.

20 DR. KLEMENS: All right.

21 Well, either way I understand you're over the
22 25 percent threshold.

23 THE WITNESS (Libertine):

24 Correct.

25 DR. KLEMENS: One is 26 versus

1 43 percent.

2 Let's go to the birds quickly,
3 because you said you can speak to the birds
4 and you know Question Number 8 is one of my
5 favorite ones to ask you about on these bird
6 things.

7 And I saw the habitat today,
8 but could you opine whether this is an
9 important area for breeding, feeding or
10 roosting birds? That is, basically, the
11 location of the compound and tower.

12 THE WITNESS (Libertine): From
13 -- from my perspective and from
14 Mr. Gustafson's we would -- we would say no,
15 it's not a significant habitat. Certainly,
16 there are opportunities there. And
17 certainly, on the fringe as we get towards
18 the wetlands, there are -- there are
19 certainly sufficient habitat for several
20 species.

21 But our feelings is this is
22 already a cleared and disturbed area and so
23 we felt it probably is not an opportunity for
24 many species. Certainly, there may be some.
25 I would think if we were going to have

1 species using it, I think they might use the
2 open fields that are part of the complex more
3 than they might this, but again, it's a
4 fairly small area. It's been heavily
5 disturbed, so we felt as though it was not
6 something that was significant.

7 DR. KLEMENS: So it's your
8 position that there's not going to be much
9 bird utilization of the mugwort and the
10 debris piles that we saw today for anything
11 significant bird use, again for breeding,
12 roosting?

13 THE WITNESS (Libertine): For
14 breeding, likely not and there's sufficient
15 areas around there that are being retained.

16 DR. KLEMENS: Thank you.
17 That's quite responsive.

18 Now I understand we solved the
19 whole issue while I left the room about the
20 500-year flood. I know Dr. Bell spoke about
21 the impact statement.

22 Under the obstruction, did we
23 discuss the obstruction, under Tab 4? Am I
24 being repetitive? Did you discuss?

25 DR. BELL: No.

1 DR. KLEMENS: You didn't?

2 Okay.

3 Under Obstruction Facilities,
4 F, I would suggest that you also add the
5 500-year flood there. Because you have the
6 500-year flood data and I think that should
7 be on that. You have no objection to that,
8 doing that?

9 THE WITNESS (Chasse): No.

10 DR. KLEMENS: Okay. Now I
11 just have a few more questions.

12 Mr. Xavier, when Mr. Martin
13 asked you about Homeland Towers and shared
14 generators, you said it's not in your
15 business model.

16 THE WITNESS (Xavier): That's
17 correct.

18 DR. KLEMENS: You build
19 towers?

20 THE WITNESS (Xavier): Yes, we
21 do.

22 DR. KLEMENS: But who deploys
23 the generators on the towers?

24 THE WITNESS (Xavier):
25 Generally each tenant, be it public safety or

1 the carriers themselves deploy their own
2 generators.

3 DR. KLEMENS: So what does
4 that have to do with your business model?
5 You produce -- you build the tower.

6 THE WITNESS (Xavier): Exactly.

7 DR. KLEMENS: It's really the
8 tenant's business model, not your business
9 model; is that correct?

10 THE WITNESS (Xavier): That's
11 what I meant in my answer, was that providing
12 the generator is not our business. I
13 apologize if I misspoke, but that's what --

14 DR. KLEMENS: Well, no.
15 That's very important.

16 So, basically, you don't have
17 a position, Homeland Towers, on whether
18 there's one generator, two generators or four
19 generators?

20 THE WITNESS (Xavier): We
21 provide enough space so that -- and we've
22 anticipated that each carrier uses their own
23 generator. They like to do that, believe it
24 or not. AT&T, Verizon and other carriers
25 don't play well and share with each other.

1 DR. KLEMENS: We're well aware
2 of what the carriers like to do.

3 THE WITNESS (Xavier): Yeah.
4 And there's also benefits as far as having
5 redundancy for each carrier having their own
6 generator as well.

7 DR. KLEMENS: But to be very
8 clear, this has nothing to do with your
9 business model. You produce the space, you
10 produce the tower, and it's up to the
11 carriers to decide whether or not they want
12 to share a generator; is that correct?

13 THE WITNESS (Xavier):
14 Correct. And it's also up to them whether or
15 not they're going to use a generator at all.

16 DR. KLEMENS: Correct. I just
17 wanted to clarify that because it was an
18 interesting statement, and I wanted to get
19 clarity on that. Thank you.

20 I think everything else has
21 been covered.

22 Thank you very much,
23 Mr. Chairman.

24 THE CHAIRPERSON: Thank you.

25 Mr. Hannon.

1 MR. HANNON: Thank you,
2 Mr. Chairman.

3 I just have one follow-up
4 question, and I'm not sure if it can be
5 answered seeing as how you're a little short
6 staffed today.

7 Dr. Klemens had talked about
8 the cryptic style vernal pool. I want to go
9 into the next sentence where it says "While
10 further review of this wetland is being
11 completed." What's being done and what are
12 you trying to complete?

13 THE WITNESS (Libertine): That
14 -- that may have been drafted prior to
15 completion of the vernal pool analysis. Mike
16 Libertine.

17 It's my understanding is that
18 that particular two-page summary was drafted
19 prior to the actual final vernal pool report.
20 The work was all done in the spring during
21 the -- the time of year it should be done,
22 and I think it was just a matter of
23 sequencing and timing, unfortunately.

24 MR. HANNON: Okay. So then
25 the supplemental material that came in

1 satisfies what was going to be completed?

2 THE WITNESS (Libertine):

3 That's correct, sir.

4 MR. HANNON: Okay. Thank you.

5 I have no further questions.

6 THE CHAIRPERSON: Thank you.

7 Commissioner Caron.

8 COMM. CARON: No thank you,

9 Mr. Chairman.

10 THE CHAIRPERSON: Mr. Ashton.

11 MR. ASHTON: Thank you.

12 I'll go through these as fast
13 as I can.

14 Going back to the flood, the
15 500-year flood line, as I understand, it's at
16 113.9, compounds at 116. So you're 2.1 feet
17 above the 500-year flood. Forget about it.

18 THE WITNESS (Chasse): Correct.

19 MR. ASHTON: Okay. You
20 mentioned you're looking at a site in
21 Meriden, the Black Rock Reservoir, and you
22 had -- as I read it, as I recall it, you had
23 contact or discussions with Meriden, but they
24 sort of ended without ever getting an answer;
25 is that correct?

1 THE WITNESS (Xavier): Vincent
2 Xavier. Yeah. I had those discussions with
3 the City of Meriden, Dave Lohman over at the
4 City. I conducted a site visit. We looked
5 at a potential location. He wasn't sure at
6 that time whether or not that was going to
7 impact the future use of the property, but a
8 site was potentially chosen.

9 The next step would have been
10 to have meetings with the city officials,
11 including the legal department. After
12 numerous e-mails back and forth offering
13 dates and times, they never got back to me
14 actually saying, yes, let's meet on this day.

15 MR. ASHTON: Roughly,
16 time-wise, when was that? And I'll tell you
17 why I'm asking in a second.

18 THE WITNESS (Xavier): Sure.
19 It was probably on or about the fall of 2012.

20 MR. ASHTON: Okay. Mr. Lohman
21 has retired, six, eight months ago and that
22 why I was wondered if the communication just
23 got broken because he retired.

24 THE WITNESS (Xavier): He was
25 interested. It seemed like maybe -- and I

1 can't put words in anybody's mouth, but maybe
2 the City wasn't as interested in moving
3 forward; otherwise, they would have met with
4 me perhaps. I did that for many days to make
5 myself available.

6 MR. ASHTON: But for my
7 discussion, for my knowledge of the City, I'm
8 surprised to hear that. I'm not pushing
9 Broad Brook over this, but I'm troubled by
10 the incomplete loop that occurred with Broad
11 Brook.

12 THE WITNESS (Xavier): Well,
13 I'll be honest with you. They never came out
14 and said, no, go away, stop calling me. But
15 I never got a meeting. And, at that time, I
16 started a discussion with the Town and then
17 downtown said, yes, not only have we already
18 considered this location in the past, but our
19 public safety needs this as well. They were
20 interested in moving forward, so I did.

21 MR. ASHTON: To make a bad
22 pun, the water is over the dam, I think, now
23 with Broad Brook, but it was one site that --

24 THE WITNESS (Xavier): As long
25 as it's not the wastewater but yes.

1 COMM. CARON: That's a better
2 pun.

3 MR. ASHTON: A better pun,
4 right.

5 It was a site that I thought
6 might have possibilities. So a lot of the
7 land south of Route 70 is watershed which is
8 not accessible for normal travel. So I think
9 this is probably a better of the two choices,
10 because all the land, to my knowledge, that
11 is affected by the output here of this site
12 would be public -- would be private land,
13 i.e., that it's accessible.

14 THE WITNESS (Xavier): Well, I
15 can tell you in my opinion it's better for
16 several reasons. One, the property itself is
17 bigger so you have even more of a buffer.
18 Two, the property around this site is better
19 vegetated than the Broad Brook facility. So
20 using this property does not prohibit future
21 use.

22 I know they're just replacing
23 equipment, the Town is, but if they wanted to
24 expand that, there's still room from them to
25 do that. There's a potential if we located

1 at Broad Brook, that potential would have
2 been less.

3 MR. ASHTON: Okay. Are you
4 aware that CL&P has electric transmission
5 lines that go more north to south along the
6 Cheshire -- more or less,
7 Cheshire/Wallingford border and
8 Cheshire/Meriden border? Did you look at any
9 of the CL&P structures?

10 THE WITNESS (Xavier): I am.
11 I also, besides the CL&P structures, along
12 Johnson Avenue, I believe there's a water
13 tank facility. I did look at those as well.
14 Just because I didn't identify them as ones I
15 sent certified mailings to does not mean that
16 I didn't consider them.

17 But based on what I deemed and
18 was eventually proven to be correct was the
19 need, those sites were too far from the need
20 in order to provide the required coverage.

21 MR. ASHTON: And it's fair to
22 say, isn't it, that the topography of the
23 area significantly cuts off the usability of
24 any of the roof sites at Meriden? It's got a
25 backbone that goes right along roughly

1 parallel with Finch Avenue on a more or less
2 north-south axis, so anything in Meriden is
3 going to have an awful tough time getting
4 around that hill.

5 THE WITNESS (Xavier): Yeah.
6 And besides the topography, and it's just too
7 far away.

8 MR. ASHTON: Yeah. I think I
9 heard it was four antennas per sector. Is
10 that what you're planning?

11 THE WITNESS (Xavier): That's
12 the standard, yes.

13 Oh, sorry.

14 MR. ASHTON: That's the
15 standard, or that's what you're going to use?

16 THE WITNESS (Chasse): Twelve
17 panel antennas are proposed on the -- on the
18 application before you, four per sector.

19 MR. ASHTON: Okay. AT&T is at
20 155. The Town is at 170. Is there room for
21 a carrier above AT&T and below the Town?

22 THE WITNESS (Lavin): I don't
23 know if it's provided for structurally, but
24 there should be between the top of our
25 antennas and the bottom of the town antennas,

1 there should be a about 10 feet of open
2 space.

3 MR. ASHTON: Well, so could
4 one go up 165?

5 THE WITNESS (Lavin): I
6 believe they could.

7 MR. ASHTON: Okay. So you've
8 got one above, you've got AT&T, and as I
9 understand it, you've got room for three
10 below AT&T; is that correct?

11 THE WITNESS (Lavin): I
12 believe so, yes.

13 MR. ASHTON: So you've got
14 five carriers, plus the Town would fit on
15 that tower?

16 THE WITNESS (Lavin): Yes.

17 MR. ASHTON: Are there any
18 other carriers interested on this structure?

19 THE WITNESS (Chasse): Sorry.
20 Just wanted to follow-up on your last
21 question, Mr. Ashton. Pardon me.

22 The fifth carrier slot
23 spatially, it is, there is space available.
24 It would be about 164, 163 and change for the
25 RAD center so it could be, in essence, a five

1 carrier plus the town tower.

2 MR. ASHTON: All right.

3 Otherwise, if that was not the case, you
4 could reduce the top of that tower height a
5 little bit, couldn't you, and still maintain
6 all the clearances?

7 THE WITNESS (Chasse): That
8 would affect the Town's use of the facility.

9 THE WITNESS (Lavin): Not for
10 the Town's point to point. They're right at
11 the --

12 MR. ASHTON: I'm sorry. I
13 couldn't --

14 THE WITNESS (Lavin): For the
15 town's point to point, the profiles shown in
16 their report show that they are --

17 MR. ASHTON: They've got to
18 get up at 170, period, end of discussion.

19 THE WITNESS (Lavin): Uh-huh.

20 MR. ASHTON: Why doesn't AT&T
21 slide upward a few feet then and make room
22 possibly for a carrier underneath?

23 The space philosophy is we
24 want as many carriers on a structure as we
25 possibly can to avoid duplication of

1 structures. And I think it's reasonable,
2 fitting and proper, ergo, why would we not
3 make that subtle change so that you could get
4 five carriers on this structure? There
5 aren't that many operating in the state.

6 THE WITNESS (Lavin): There
7 is -- there is still the open spot.

8 MR. ASHTON: I'm sorry?

9 THE WITNESS (Lavin): There is
10 still the open spot, and we're only taking
11 one of the five. And one of them happens to
12 be above us. I don't know if we even looked
13 at getting that close to the Town's antennas.

14 MR. ASHTON: You can't get
15 closer than 15?

16 THE WITNESS (Lavin): I don't
17 if we looked at the propagation study for
18 that or not. We can. I don't know if we
19 even looked at 165 offhand.

20 MR. ASHTON: But there's
21 nothing that you could think of that would
22 make that unreasonable, is there?

23 THE WITNESS (Lavin): Not that
24 I could think of, no.

25 THE WITNESS (Libertine):

1 Mr. Ashton, if I could? I think -- and I
2 don't want to speak for the RF engineer, but
3 I guess I'm going to.

4 We have always come in with
5 the minimum height requirement to be able to
6 meet the objectives for the carrier. I
7 think, in this case, I think maybe the
8 question should be if you were to go another
9 5 feet higher does that create any issues,
10 does it overshoot, or is that something that
11 would be a net wash, for lack of a better
12 term?

13 I don't know. I just -- I
14 hear what you're saying and I think from a
15 practical matter --

16 MR. ASHTON: I've always been
17 impressed with you, but I'm even more
18 impressed that you're now -- you've been
19 around long enough that you've soaked up a
20 lot of RF expertise.

21 THE WITNESS (Libertine):
22 Hardly, but I think that I hear what you're
23 saying. And it's a -- as practical matter,
24 it certainly makes sense. But from our --
25 the standpoint of how we approach it

1 collectively as a team, it's always a matter
2 of that minimum height requirement.
3 Another 5 feet if that works and it allows
4 the ability to gain another spot that's
5 usable, I think that's --

6 MR. ASHTON: I'd like to hear
7 more about that. I think that --

8 THE WITNESS (Libertine): I
9 think -- I think I've said enough now where
10 Martin can probably smack me and --

11 MR. ASHTON: I'd like to hear
12 why that is not a reasonable thing to do.

13 THE WITNESS (Lavin): 155 was
14 presented to me as the highest height on the
15 tower when the tower was presented. I
16 assumed at the time there was some reason,
17 some other --

18 MR. ASHTON: Well, I don't
19 care. You and Homeland can a nice long chat
20 over beers and dinner and figure out what you
21 want to do, but I'd like to know why that
22 15 feet can't be compressed?

23 THE WITNESS (Lavin): I'll
24 analyze our antennas at 165, yes.

25 MR. ASHTON: Okay. You owe us

1 an answer on that.

2 THE WITNESS (Xavier): If I
3 could, just on behalf of Homeland just
4 because it seems that there's confusion.

5 There's -- I think when it
6 comes to submitting an application if we had
7 come before you and said -- and you had asked
8 the question, AT&T, why are you at 165?

9 And we had responded, well,
10 there's going to be the tower there anyway.
11 We're just, well, we're just going to go
12 there without justification. That's where
13 they came into 155. And I can just make on
14 the record now --

15 MR. ASHTON: Let's make
16 decisions for good reasons, not because --

17 THE WITNESS (Xavier): Sure.
18 I guess that Homeland Towers is willing to
19 amend the lease and allow them to move --

20 MR. ASHTON: You don't care?

21 THE WITNESS (Xavier): I don't
22 care.

23 MR. ASHTON: Thank you. So
24 AT&T, the ball is in your court.

25 The chain-link fence, what are

1 you proposing for a grid on that?

2 THE WITNESS (Chasse): That
3 would be the anti-climb mesh three-quarter
4 inch so you can't get a toehold on them,
5 anti-climb.

6 MR. ASHTON: Thank you.
7 Because we're more and more moving away from
8 the 2-inch grid getting a little smarter as
9 we get older.

10 I hate to open this up about
11 shared generators again, but I'm of the
12 opinion that I think you guys need to get
13 your act together. You operate right now,
14 right now on a shared pole. You operate
15 right now on a shared power supply. It's one
16 single line coming in. You operate right now
17 on a single shared telephone system going off
18 the site. And I think there needs to be some
19 real hard thinking done as to why a single
20 power supply doesn't work.

21 I would also suggest you
22 consider a little -- go a little further and
23 think that if you get up in the range of
24 250 kilowatts, you might possibly have a
25 dispatchable generation and that could be

1 done through ISO New England, and my esteemed
2 colleague to my immediate right, in that
3 there's probably 250 megawatts of emergency
4 generator capacity that could conceivably be
5 used for peak load times.

6 It's something that I think
7 the State needs to think about too,
8 Michael --

9 COMM. CARON: Thank you, sir.

10 MR. ASHTON: -- as to whether
11 this is practical. And I think it is. I
12 think it's got some potential for it that you
13 don't have to build that much capacity.

14 And during normal peak load
15 time, you could call on this generator to run
16 for a while to help relieve peak load. So
17 that's something -- you're going to get more
18 and more questions on it, guys, so you better
19 have some real good answers on it.

20 THE WITNESS (Xavier): Can I
21 give you one now?

22 THE CHAIRPERSON: No -- be
23 careful.

24 MR. ASHTON: Sure. You want
25 to give me one?

1 THE WITNESS (Xavier):

2 Apparently I do not.

3 MR. ASHTON: Your lawyer is
4 saying no.

5 THE CHAIRPERSON: The Chairman
6 is also saying on the shared -- Mr. Hannon
7 has a follow-up, too.

8 MR. HANNON: Yeah. I just
9 want to follow up on something because my
10 understanding is that this was designed for
11 four carriers. Now there's discussion about
12 a fifth carrier. Is the lease area large
13 enough to handle a fifth carrier?

14 THE WITNESS (Chasse): Yes, it
15 is.

16 MR. HANNON: Even if they went
17 with separate generators, like, typically, as
18 proposed, not that it's necessarily going to
19 approve that way, but the way it's proposed?

20 THE WITNESS (Chasse): I want
21 to draw it up to be sure, but looking at it
22 visually, I believe, we could make it fit.

23 MR. HANNON: If you'd like to
24 get back to me with a sure answer, that's
25 fine.

1 THE WITNESS (Libertine): I'd
2 -- I'd also offer that we know that at least
3 two carriers that I'm aware of that are still
4 active do not use generators as part of their
5 business plan so that may also factor into
6 it.

7 MR. HANNON: Thank you.

8 THE CHAIRPERSON: Yes, we
9 have.

10 SENATOR MURPHY: Mr. Chasse,
11 is it structurally going to be constructed to
12 handle five carries plus the Town?

13 THE WITNESS (Chasse): If the
14 Council is wanting to have it be a five
15 carrier plus the Town, it will be designed to
16 handle such.

17 SENATOR MURPHY: But as it
18 stands now, it's not. Is that what you're
19 telling me indirectly?

20 THE WITNESS (Chasse): The
21 design, at this point, has not been done for
22 the actual tower itself. That will be
23 presented at D and M.

24 SENATOR MURPHY: Okay. I hear
25 what you're saying.

1 THE CHAIRPERSON: Dr. Klemens?

2 DR. KLEMENS: Five carriers,
3 is there any tower in Connecticut that -- I
4 mean, are there five carriers you could put
5 on? There are?

6 THE WITNESS (Chasse): Yes,
7 numerous.

8 DR. KLEMENS: So you don't
9 think you're really overbuilding this site,
10 just being driven by the Town's desire to
11 have that? Are we really building something
12 that is never going to be used below?

13 I mean, I probably can't
14 answer that, but that goes through my mind.
15 But this is probably the largest tower I've
16 seen since I've come on the Council in
17 height. Now, I've only been here a year, but
18 it seems like it's being driven high because
19 of the needs of the Town. But the question
20 is, are we really going to realistically see
21 this tower being used, all the lower segments
22 for the public benefit for
23 telecommunications?

24 THE CHAIRPERSON: We do have
25 just -- it's already in the record, interest

1 by Verizon. So we know of at least one other
2 carrier that is interested.

3 DR. KLEMENS: I saw
4 Mr. Baldwin's, but I mean, I'm just
5 wondering. It just seems a lot of space
6 that's going to be there for --

7 THE CHAIRPERSON: Well, I
8 don't know if we've ever come up with a tower
9 that has a base and then has nothing, and
10 then has 170 feet. I mean, if you can design
11 it, guys, that would be terrific, but I think
12 we understand why the 170 feet.

13 DR. KLEMENS: Yeah, I do, too.
14 I'm just, you know.

15 THE CHAIRPERSON: Mr. Martin,
16 did you have a --

17 MR. MARTIN: My question was
18 answered.

19 THE CHAIRPERSON: Okay.
20 Mr. Lynch?

21 MR. LYNCH: I'm going to start
22 off by beating this horse of the fifth
23 carrier.

24 First of all, Mr. Chasse, you
25 said that the tower has not been engineered,

1 yet. Would that also mean that if the Town
2 comes in and wants to put on their
3 point-to-point microwave that you have to
4 take that into consideration, too?

5 THE WITNESS (Chasse): Yes.
6 That those appurtenances would be included in
7 when the design comes to fruition, yes.

8 MR. LYNCH: And Mr. Lavin,
9 your colleague, who's appeared before us for
10 years, Tony Wells, has said that we need a
11 10-foot separation between carriers. Why
12 wouldn't that apply here if we're trying to
13 sneak in a fifth carrier between 155 and 170?
14 Does the Town's lower frequency make a
15 difference?

16 THE WITNESS (Lavin): The --
17 or the tops of our antennas are currently
18 planned to be at 155. The centerline is at
19 155. The tops will be around 160. The very
20 top of the tower is 170. It creates a 10 --
21 10 feet of open space, 15 feet from our
22 centerline to the top, 10 feet from the top
23 of the antennas to the top.

24 MR. LYNCH: That I understand,
25 but we were talking earlier about putting in

1 a carrier between the Town and --

2 THE WITNESS (Lavin): Yes.

3 MR. LYNCH: Would that cause
4 an interference?

5 THE WITNESS (Lavin): The
6 Town's frequencies are generally much lower
7 than ours, and their antennas are mounted
8 with the bottom at 170. And the centerlines
9 will be, probably at least 180, maybe 185
10 above the top of the -- and they're a 10-foot
11 whip. So their centerlines will be 175.

12 MR. LYNCH: Mr. Lavin, this is
13 just speaking as an RF engineer, can whip
14 antennas do point-to-point communications?

15 THE WITNESS (Lavin): No.
16 That would be dishes.

17 MR. LYNCH: And, Mr. Chasse,
18 could the Town go lower with point to point
19 than the top at 170 for microwaves?

20 THE WITNESS (Chasse): From a
21 structural perspective, yes, but the
22 commissioners for the public safety had
23 spoken and indicating that Northeast
24 Communications had tested it out that they
25 did need the 170 for the point to point.

1 THE WITNESS (Lavin): The path
2 profile shown in the Northeast Communications
3 report shows that -- what's called the
4 Fresnel zone right at the top of the trees if
5 they're at 170 for one of -- for both links,
6 actually.

7 MR. LYNCH: So the microwaves
8 would be attached at 170?

9 THE WITNESS (Lavin): Yes.

10 MR. LYNCH: Would that mean
11 the whip antennas would have to be adjusted?

12 THE WITNESS (Lavin): Their
13 bases would be at 170, but they would go
14 upwards from there. The dishes, I believe,
15 are 2-foot dishes, 2-foot high performance.
16 They would be down at 170. Only the base
17 antenna, which does not radiate, would be at
18 170; and the whips would go up from there.
19 Their RAD center would be 5 feet above there.
20 And there -- those two bands are very
21 different, so they would not interfere with
22 each other.

23 MR. LYNCH: Understood.

24 THE WITNESS (Chasse):
25 Mr. Lynch, if I could interject? I'm sorry.

1 We're running two things at
2 the same time. Right now with AT&T at 155
3 with their panel antennas at approximately
4 159, that's leaving from 159 to the top of
5 the proposed facility at 170. So I've got
6 11 foot of play there.

7 If we moved them up to 165,
8 the top of their antennas will be at 169.
9 You're not going to be able to put the
10 microwave dishes right there in that one
11 foot. So right now the proposal is for the
12 top of the overall structure to be at 180 and
13 that is inclusive of the Town's facilities.

14 If they come back and want to
15 play point-to-point microwave in there, we
16 would put some kind of collar attachment to
17 the top with a mast up and those would be
18 fixed to the mast and not physically on the
19 tower.

20 MR. LYNCH: So, Mr. Chasse,
21 would that eliminate a fifth carrier?

22 THE WITNESS (Chasse): No.
23 That would actually accommodate the fifth
24 carrier.

25 MR. LYNCH: Okay. Maybe I

1 missed something here.

2 THE WITNESS (Chasse): By
3 moving AT&T up --

4 MR. LYNCH: Understood.

5 THE WITNESS (Chasse): That
6 space right now that's shown as whip antenna,
7 airspace from the top of 170 to 180, we would
8 put something in that profile in order to
9 accommodate the Town.

10 MR. LYNCH: All right. Thank
11 you.

12 And, Mr. Libertine, there was
13 discussion earlier of a monopine. How would
14 a monopine be able to accommodate whip
15 antennas with a microwave dish, or would
16 they?

17 THE WITNESS (Libertine): They
18 can be accommodated. It's a standard
19 monopole that's been designed and outfitted
20 with the faux branches, so it could be
21 designed. The whip antennas, however, would
22 be sticking out of the top, and typically,
23 when the few times I've seen that applied,
24 those are not concealed in any way. So they
25 would look as though they were sticking out

1 of the -- the top of the monopine itself, but
2 structurally, it could be done.

3 MR. LYNCH: And, Mr. Chasse,
4 you answered Mr. Hannon's question about
5 having enough room within the compound.

6 Now, if something like Verizon
7 comes in or another -- and where you have to
8 actually build a shelter and another carrier
9 comes in -- and I know which everything is
10 shared, you go where they don't have them on
11 the pads anymore.

12 Is there still enough room
13 within the compound?

14 THE WITNESS (Chasse): The
15 current layout that you see is assuming the
16 Town, AT&T's shelter, and then there's three
17 shelters, one of which is a 12-by-30, a.k.a.
18 potentially Verizon Wireless.

19 So that that fifth carrier
20 would theoretically come in with what I would
21 prepare it to be somewhere on a 10-by-20 slab
22 or an equipment shelter.

23 MR. LYNCH: All right. Thank
24 you.

25 And also, Mr. Chasse, you also

1 talked about, with Mr. Ashton here, about the
2 new type of fence you're going to put on.
3 And in Interrogatory Number 4 -- you don't
4 have to look it up -- it just says that about
5 vandalism. Do you know of any, or anyone on
6 the panel of any -- or Homeland, any
7 facilities that have been vandalized? And if
8 so, how?

9 THE WITNESS (Chasse): I've
10 personally witnessed some vandalized sites,
11 and it's usually spray paint, that they get
12 in there and do graffiti on the --

13 MR. LYNCH: So they're tagging
14 them? Is that what they're --

15 THE WITNESS (Chasse): Or they
16 steal copper, ground wires, ground bars.
17 Things along -- those are -- those are the
18 types of vandalism that we've seen.

19 MR. LYNCH: Okay. Thank you.

20 Coming back to Mr. Lavin, in
21 the earlier discussion about what's being
22 delivered here as far as -- you talk about
23 gaps in communication or gaps in the
24 system --

25 THE WITNESS (Lavin): Yes.

1 MR. LYNCH: -- in your
2 network. Now it's my understanding that the
3 700 frequency LTE is going to be just for
4 data delivery.

5 THE WITNESS (Lavin): That's
6 correct.

7 MR. LYNCH: And no voice.
8 But can you just come back
9 here to the -- you talk about -- then explain
10 to me how you have gaps in coverage when
11 you're just delivering data. Are you talking
12 about gaps within a residence? I know we're
13 not talking streets here. How do you
14 determine that?

15 THE WITNESS (Lavin): It's the
16 same sort of threshold, whereas with voice
17 you lose it all at once. Data would degrade
18 below the minimum acceptable level and then
19 eventually become inaccessible at lower
20 levels.

21 MR. LYNCH: Now is that more
22 prevalent than dropping calls? If I'm
23 looking to get NFL package this weekend to
24 get the Patriots, the Jets and the Giants --
25 well, maybe not the Jets -- the Patriots and

1 the Giants, does that require -- I guess my
2 question is, does that data service delivery
3 which can be delivered, I guess, to any type
4 of carrier, I mean, any type of device?

5 THE WITNESS (Lavin): That
6 would be going over 700 LTE, yes.

7 MR. LYNCH: Yeah, but now does
8 that -- how do you determine what's a weak
9 signal, I guess? Is it different than voice
10 because you're talking about you're doing
11 drive testing for voice IP -- I mean for LTE?
12 How do you do -- is that --

13 THE WITNESS (Lavin): It's a
14 minimum data rate that establishes the edge
15 of coverage.

16 MR. LYNCH: And is that what
17 you're talking about when you're talking
18 about -- Mr. Wells said in his thing, talks
19 about a service gap? What is a service gap?

20 THE WITNESS (Lavin): I'm not
21 exactly sure. I mean, there are coverage
22 gaps. A service gap in that case, I mean,
23 there are probably -- in the areas of
24 unreliable coverage, there are always places
25 where you could pick up some coverage.

1 It won't be -- it will be
2 low-speed data, in this case, whereas opposed
3 to being -- finding one place where you can
4 make a call. You'll find one place where you
5 can get low-speed data. You certainly
6 wouldn't be able to watch the NFL package
7 there because that requires a tremendous
8 amount of data.

9 MR. LYNCH: You answered my
10 next question. And now on the -- when you're
11 evaluating a site for LTE, and not so much
12 for the 1900, but voice over LTE, is that
13 based on where you have your search site, how
14 many residences or commercial areas that
15 would use LTE in that area? Is that an
16 evaluation?

17 THE WITNESS (Lavin): It's
18 based on a certain loading assumption, which
19 I believe is 55 or 60 percent. I'm not a
20 hundred percent sure exactly what the -- the
21 peak loading is of the absolute theoretical
22 capacity of the site.

23 MR. LYNCH: All right. I
24 think I got it. Okay.

25 And coming back to Homeland

1 Security or to -- maybe even it's question
2 for Mr. Laub. We have -- you offered the
3 Town free service on your tower; is that
4 correct?

5 THE WITNESS (Libertine): Yes.

6 MR. LYNCH: Now my question is
7 a hypothetical in the future. If that tower
8 is sold, does that agreement -- would still
9 apply to the new owner of the tower, or can
10 you turn around and charge the Town?

11 THE WITNESS (Xavier): No.

12 The agreement -- if the tower is ever sold,
13 what is sold is the lease rights. The lease
14 rights grant the Town rights on the tower so
15 the new owner would assume the same
16 responsibilities.

17 MR. LYNCH: All right. Thank
18 you.

19 Thank you, Mr. Chairman.

20 THE CHAIRPERSON: Mr. Martin.

21 MR. MARTIN: Thank you,
22 Mr. Chairman.

23 Mr. Xavier, since you're
24 answering questions, now here's one for you.

25 THE WITNESS (Xavier): Sure.

1 MR. MARTIN: In the past year
2 or so we've had several proposals from
3 Homeland Towers and they're typically on town
4 property and the Town is going on the tower.

5 THE WITNESS (Xavier): Yeah.

6 MR. MARTIN: Now when you
7 started your site search in this area, were
8 you aware that the Town had public
9 communications needs in this area?

10 THE WITNESS (Xavier): No, I
11 did not.

12 MR. MARTIN: Okay. So just a
13 fortuitous coincidence that --

14 THE WITNESS (Xavier): Yeah.

15 Generally, you'll see a lot of
16 applications from Homeland Towers dealing
17 with municipalities. That's basically our
18 business, what we'd like to do. You know,
19 it's a win-win for everybody, and it's just a
20 positive thing, but I don't go to a location
21 being driven to solely look at town
22 properties.

23 I look at the area, and I try
24 to see what the best site is. If the best
25 site also happens to be the town property,

1 then we move forward.

2 MR. MARTIN: So how are you
3 aware of coverage gaps that carriers might
4 have? Because I'm assuming you were looking
5 more, you had more of the commercial carriers
6 in mind when you were looking for a site in
7 this area.

8 THE WITNESS (Xavier): Well,
9 this is what makes my job difficult, thereby
10 giving me some job stability, in that
11 necessarily I don't know. Like I said,
12 Homeland Towers is not being -- generally is
13 not given range from AT&T and Verizon. It's
14 told, I have a gap. Go fix it.

15 It is my job and my
16 directive -- it's part of my job to go find
17 the gaps. So what I do, very basically, is I
18 drive around after looking, as I said, at the
19 maps of all the existing sites in the area.
20 I look at topographic maps. I determine
21 where I think there may be a hole, and then I
22 simply drive there and see if I have coverage
23 issues. And once I've identified the
24 coverage gap, I try to find a site that would
25 work.

1 MR. MARTIN: How many cell
2 phones do you have?

3 THE WITNESS (Xavier): I only
4 use Verizon for my personal use. Sorry.
5 I -- I use Verizon personally, but there are
6 other ways to get the information. You know,
7 for a while I was using an app called
8 coveragemapper.com. I guess whoever runs the
9 app isn't doing it anymore, but it allowed
10 you to simply press a button and drive
11 around, and it would record your dB level of
12 every half a second. And everybody else does
13 that, too, who uses the app. So then I'm
14 able to look at AT&T, Verizon, T-Mobile.

15 And I'm also, you know, there
16 was one of the discussions before, is whether
17 or not another carrier is going to be able to
18 use that site at a lower distance. As you
19 saw in the list of 45 sites, AT&T isn't on
20 all of those. I know who is on what towers.

21 So, generally, if AT&T has a
22 need there, depending on where Verizon is on
23 a nearby tower that AT&T may not be, I'm able
24 to determine that, yes, there's going to be a
25 need for AT&T and Verizon here based on where

1 they are in the area.

2 Because, obviously, I can't
3 just do this for one carrier. You know, it
4 is, you know, not going to be efficient for a
5 business if I'm only going to build towers
6 that are only going to fit one. I wouldn't
7 make any money and I'd be fired fairly
8 quickly. So it's my goal to find a site that
9 will provide coverage in a needed area for
10 all of the carriers if possible.

11 MR. MARTIN: All right. Thank
12 you.

13 THE WITNESS (Xavier): I'm a
14 little long-winded. Sorry.

15 THE CHAIRPERSON: Okay. We'll
16 now proceed to the Town.

17 Attorney Cohen, please go to
18 the podium. Unfortunately, we don't --

19 MR. COHEN: I see my seating
20 options are limited.

21 THE CHAIRPERSON: Well, if
22 necessary, we can make it work.

23 MR. COHEN: Thank you. Just
24 for the record, thank you for the opportunity
25 to appear here today.

1 My name is Burt Cohen. I'm an
2 attorney with Murtha Cullina, LLP. And I'm
3 here representing the Town in this particular
4 docket.

5 I just have very few
6 questions, so I should keep us right on
7 track, and I promise I'll do my best.

8 Gentleman, other than
9 Mr. Xavier, you are off the hook for me.
10 Mr. Xavier, I just have a few questions.
11 It's nice to see you again, by the way.

12 THE WITNESS (Xavier): You,
13 too.

14 MR. COHEN: I want to go back
15 to your discussions with the Town. Isn't it
16 true that you met with the Town of Cheshire's
17 Planning Committee on several occasions in,
18 subject to check, 2012, in connection with
19 this proposal that you have before the
20 Council today?

21 THE WITNESS (Libertine): Yes,
22 especially in November of 2012 was when I
23 gave my biggest presentation to the entire
24 committee.

25 MR. COHEN: Okay. And isn't

1 it true that, to the best of your
2 recollection, that the town planning
3 committee voted to move your proposal over
4 into the next phase of the Town's process
5 with Homeland Towers?

6 THE WITNESS (Xavier): Yes.

7 MR. COHEN: Okay. And now
8 we'll take it forward. You then, I assume,
9 engaged in negotiations with the Town for an
10 agreement, did you not?

11 THE WITNESS (Xavier): Yes.

12 MR. COHEN: On behalf of the
13 Town, and was that agreement presented to the
14 town council for its approval?

15 THE WITNESS (Xavier): Yes.

16 MR. COHEN: Okay. Did you
17 appear before the town council with that, or
18 were you present at the town council when it
19 considered that particular --

20 THE WITNESS (Xavier): I was.
21 They considered it, and as I look back at the
22 minutes, there was a lot of meetings that I
23 may not have been at all of them, but it was
24 presented to the town council.

25 MR. COHEN: Okay. And do you

1 recall offhand what the vote of the town
2 council was in terms of approving the
3 agreement?

4 THE WITNESS (Xavier): It was
5 January, 2013. I believe the vote was 8-0,
6 and either one abstention or one not present.
7 I remember 8-0-1.

8 MR. COHEN: And one final
9 question, if I may? You did take the lead --
10 let me just -- one prefatory question -- you
11 did take the lead in negotiating with the
12 Town the agreement that is now the subject of
13 the proposal before the Siting Council?

14 THE WITNESS (Libertine): Yes,
15 I did.

16 MR. COHEN: Okay. And isn't
17 it true that one of the major quid pro quos
18 for the Town in entering into that agreement
19 with Homeland Towers was that its
20 communication, emergency communications needs
21 be met in connection with your tower
22 proposal?

23 THE WITNESS (Xavier): That we
24 would provide them space on the tower for
25 them to meet their needs, yes.

1 MR. COHEN: And that was a
2 major quid pro quo for the Town?

3 THE WITNESS (Libertine): Yes.
4 Actually, as part of the lease agreement,
5 we're going to be providing a shelter for
6 their equipment, not the antennas, but the
7 space to put the antennas, yes.

8 MR. COHEN: I have no further
9 questions.

10 Thank you.

11 THE CHAIRPERSON: Thank you.

12 Okay. We'll now go to the
13 cross-examination by the first intervenor.
14 We're going to break in a few minutes, but
15 I'd like to get started.

16 Ms. Arcesi.

17 MS. ARCESI: Hi. I'm Jennifer
18 Arcesi. I'm an intervenor.

19 Question -- this is the first
20 time I've done this. This is when I ask
21 questions and then I have time to speak
22 later; is that correct?

23 THE CHAIRPERSON: No.

24 MS. ARCESI: No?

25 THE CHAIRPERSON: The first

1 part is correct.

2 MS. ARCESI: Okay.

3 THE CHAIRPERSON: You get to
4 ask questions, but as an intervenor that's --

5 MS. ARCESI: Just ask
6 questions?

7 THE CHAIRPERSON: Yeah. You
8 asks questions. You will get --
9 subsequently, you will be asked questions.

10 MS. ARCESI: Okay.

11 THE CHAIRPERSON: But the
12 public hearing is reserved for the public
13 excluding the intervenors and the parties.

14 MS. ARCESI: So ask it as a
15 question?

16 THE CHAIRPERSON: Ask the
17 questions of the Applicant.

18 MS. ARCESI: So I have read
19 the proposal. I am a layperson, so these may
20 be very basic questions. I appreciate your
21 help with them.

22 This tower, as proposed, would
23 it improve service to all cellular customers,
24 or just AT&T users?

25 THE WITNESS (Lavin):

1 Initially, to AT&T users and then to the
2 customers of any operator that collocates on
3 the tower.

4 MS. ARCESI: And is AT&T
5 required to allow those other carriers if
6 they request to be there?

7 THE WITNESS (Lavin): AT&T is
8 not the owner, so I'll leave that to Homeland
9 Towers.

10 MS. ARCESI: Okay.

11 THE WITNESS (Xavier): Yes, we
12 will likely be required to allow all
13 collocators.

14 MS. ARCESI: Okay. Good. And
15 with this tower will service be improved
16 throughout the town or just in this area?
17 Will we need an additional towers to improve
18 service in Cheshire?

19 THE WITNESS (Lavin):
20 Improvements will be made to this area and
21 there are other search rings and other
22 proposed towers in and around Cheshire to
23 make additional improvements to other areas
24 that need coverage.

25 MS. ARCESI: So this tower

1 will just improve this area?

2 THE WITNESS (Lavin): Yes.

3 MS. ARCESI: Okay. There was
4 a question -- Mr. Klemens -- I may have said
5 your name wrong. I hope I said it right --
6 you said that there seems to be a lot of
7 space at the bottom of the tower which is
8 going unused.

9 So my question would be, is
10 the low elevation of the site driving the
11 height of the tower? And that being said, if
12 you're in this area you know that this is
13 sort of like a bowl that you're siting the
14 tower in. So now those neighborhoods which
15 are up above are now at the top of the tower
16 area where the emissions are instead of at
17 the base. So is the low elevation driving
18 this 180-foot elevation?

19 THE WITNESS (Lavin): To some
20 extent it is. The -- if the -- there is
21 about a 70- to 90-foot difference between the
22 tower's location and the area adjacent to it
23 on the west side that were discussed earlier,
24 but those are all residential. The -- the
25 height of the tower is driven by the, I

1 think, the preferability of this location in
2 terms of fitting in with the community and
3 the needs of AT&T to provide service.

4 MS. ARCESI: And when Homeland
5 Towers looks at a location, do they weigh
6 this is a residential zone heavily populated
7 versus an industrial zone and what the
8 elevations are?

9 THE WITNESS (Xavier): Yes.

10 MS. ARCESI: Okay. And so you
11 looked at this and thought, low elevation,
12 still really necessary, heavily -- densely
13 populated, still a good location?

14 THE WITNESS (Xavier): In
15 order to cover this area, you have to be in
16 that area and the area happens to be
17 residential.

18 MS. ARCESI: Okay. All right.
19 Good.

20 So I have a question regarding
21 the sites that were -- the three sites that
22 were considered. One site was Milone &
23 MacBroom, which is in our industrial zone.
24 It's just slightly to the west of this
25 location.

1 I think it's in Section 3,
2 page 4.

3 Yes? Okay. Great. So I'm
4 wondering what is involved when you consider
5 that site? Because that was only looked at
6 for a 55-foot pole, whereas we're getting a
7 180.

8 And I did speak with the
9 owner, Mr. Milone. We happen to have a
10 personal relationship, and he said he was
11 never asked to site a tower and he would be
12 very interested in putting it on his property
13 in the industrial zone.

14 THE WITNESS (Braillard): Adam
15 Braillard, for the record for -- on behalf of
16 AT&T.

17 I wasn't personally the site
18 acquisition representative in the field;
19 however, it's my understanding that we
20 reviewed that proposal in connection with the
21 rooftop installation and that AT&T's
22 radiofrequency engineers determined that
23 height was not adequate to -- to cover the
24 objective.

25 MS. ARCESI: Because, at

1 55 feet, you're not really getting anything
2 close to 180. Is there space there to
3 consider something higher as a monopole?

4 THE WITNESS (Lavin): I did
5 run propagation studies after receiving
6 the -- the request for -- to be an
7 intervenor -- at that site at 180 feet. And
8 it does not cover the coverage objective due
9 to the terrain between there and the proposed
10 site. And it's also very close to an
11 existing AT&T site on that same road.

12 MS. ARCESI: So why would you
13 consider that site then when you already know
14 that it's close to another one?

15 THE WITNESS (Lavin): I'm
16 speaking of the one that was mentioned, the
17 Milone and --

18 MS. ARCESI: Yeah.

19 THE WITNESS (Lavin): It was
20 proposed as a possible alternative. I did an
21 analysis of it at the full 180-foot height
22 instead of 55. It did not provide the
23 coverage that we need.

24 MS. ARCESI: Okay. And so
25 where was it lacking coverage?

1 THE WITNESS (Lavin): In the
2 area of the coverage gap as -- as we've shown
3 on the plots in surrounding areas around the
4 treatment area in that whole coverage
5 objective we have.

6 MS. ARCESI: I did notice we
7 had -- I was speaking to some neighbors and
8 they were hoping that they're going to get
9 better service. And they live on Wolf Hill
10 Road, which is about a mile away from the
11 proposed tower. And on your "after" maps,
12 it's still shown as not having service there.

13 So how much expanded service
14 should those neighbors really expect when
15 they're that close and they're still not
16 going to have service?

17 THE WITNESS (Lavin): I don't
18 know exactly where the location is, but the
19 plots indicate where there will be additional
20 service. And the white areas indicate where
21 there won't be any additional service.

22 MS. ARCESI: Okay. So they --
23 it could be as close as a mile away and
24 they're not going to have good service still?

25 THE WITNESS (Lavin): Due to

1 the terrain in the area the -- the site
2 doesn't cover a great deal. There's about a
3 90-foot cliff immediately to the west and
4 there are other terrain obstructions all
5 around it that limit the amount of coverage
6 even at the 155-foot level.

7 MS. ARCESI: Still makes it
8 the best location, though?

9 THE WITNESS (Lavin): Yes.

10 MS. ARCESI: Okay.

11 This site, one of the
12 questions I had when I read the proposal is
13 that it does share a campus with a children's
14 athletic field. It's been described as the
15 Cheshire Wastewater Management Plant;
16 however, on our GIS, it is all one property.

17 And I was a little questioning
18 why it says that, you know, it can't be
19 within 200 feet of a school or daycare
20 center. Yes, we have hundreds of children
21 there every week and there's no buildings.
22 There's no walls between them and the tower.
23 It's not like they're in a school. So why do
24 we have that guideline that says it's not
25 within 200 feet of a school or daycare

1 center? Because it makes me think there's
2 the consideration for the children that we
3 need to be aware of.

4 THE WITNESS (Libertine): This
5 is Mike Libertine. I can speak to that.

6 That particular language was
7 put into statute a few years back, and it was
8 not actually directed to radiofrequency
9 emissions, provided that the applicants can
10 demonstrate they are in compliance with the
11 federal regulations, that that's really what
12 they need to prove here.

13 That particular language was
14 for visual perspectives only. The 250-foot
15 rule, so to speak, was for visual impacts,
16 was my understanding, and not for the radio
17 frequency emissions. Again, provided that
18 there's a demonstration that you're within
19 the guidelines.

20 MS. ARCESI: Okay. So visual
21 impact that the children wouldn't be playing
22 and going to school where they would see a
23 tower? Because this is really a park. It is
24 a park.

25 THE WITNESS (Libertine): It's

1 used certainly for recreation, absolutely.

2 MS. ARCESI: Right. I mean,
3 we have a playground. People use their
4 kayaks going down the river there, hundreds
5 of kids at the soccer field. So there is a
6 visual impact to that park.

7 THE WITNESS (Libertine): It
8 certainly will be visual -- visible from
9 portions of the fields. Yes, I would agree
10 with that.

11 MS. ARCESI: All right. Let
12 me think what else.

13 You mentioned when the tower
14 is obsolete there is, I believe, it's six
15 months that if it's not in use the tower will
16 be taken down. I'm not sure who answered
17 that question. I'm sorry.

18 THE WITNESS (Libertine): That
19 -- again, Mike Libertine. That was actually
20 brought up because it was part of the State
21 Historic Preservation Officer's
22 correspondence back to the Applicant.

23 Typically, and again, I don't
24 want to speak for anyone in the room, but
25 typically, for any approval, we have always

1 seen a consistency from the Council that
2 stipulates that the tower must be removed if
3 it's not in use for six consecutive months.
4 And that's put in so that we won't have
5 infrastructure that's just, you know, not in
6 use and just rusting.

7 MS. ARCESI: And how quickly
8 will it be taken down when it's been unused
9 for six months?

10 THE WITNESS (Libertine):

11 Well, I know that provisions are in place so
12 that the stipulation is it must be done
13 within the six months. I don't know if
14 there's a stipulation once the six months
15 hits and that it has to be done in a certain
16 amount of time. My experience has been that
17 these towers have not become obsolete, so we
18 really haven't faced that yet in terms of,
19 from my experience of doing this, almost 20
20 years.

21 MS. ARCESI: I think that's
22 something the Town might want to put in their
23 contract, because as Mr. Ashton said, we are
24 getting smarter as we get older. And --

25 MR. ASHTON: I said that.

1 MS. ARCESI: That was you?

2 We are getting smarter as we
3 get older. These things can change very
4 quickly. People, obviously, are not in favor
5 of them. Look how quickly we've gone from
6 landline to cellular. Who knows where we're
7 going next and will there be a better way to
8 do this. So, you know, if it's six months
9 unused, how quickly are we going to get it
10 down?

11 THE WITNESS (Xavier): If you
12 look at Section 10 of the contract, it does
13 deal with this and it allows at the end if we
14 do provide notice that we're going to
15 terminate our lease. The Town has the right
16 to buy the tower for a dollar; otherwise, we
17 have to take it down.

18 And if you look in -- this was
19 submitted as part of the response to
20 interrogatories, there was a lengthy
21 paragraph 10 that will explain the process by
22 which we would have to take it down.

23 MS. ARCESI: But if the Town
24 were to buy it, they would have the expense
25 of taking it down?

1 THE WITNESS (Xavier): Well,
2 if they would buy it, it would most likely be
3 because they wanted to use it for something,
4 therefore, don't need to take it down;
5 otherwise, they wouldn't buy it. They would
6 just make us take it down.

7 MS. ARCESI: But they could
8 make you? They could say, we want it down in
9 X amount of time?

10 THE WITNESS (Xavier): We have
11 to, by contract, take it down within X amount
12 of time.

13 We have to remove it within 60
14 days of the end of the termination. It is
15 specified, but --

16 THE WITNESS (Libertine):
17 Within two months.

18 MS. ARCESI: Okay. So after
19 six months of nonuse -- or six months of
20 consecutive days. Is that correct? Then it
21 would come down within --

22 THE WITNESS (Xavier): Well,
23 the contract is if we terminate the
24 agreement, then it has to come down. The
25 other requirements regarding nonuse would be

1 imposed by others.

2 MS. ARCESI: Okay. I would
3 just ask that the Town clarify that we know
4 what we're getting. Because I, as -- again,
5 I'm not really sure, but it's a question I
6 would have if I was putting something on my
7 property.

8 You were talking about
9 generators. I thought it was a wonderful
10 idea to be able to get everybody under one
11 generator so the neighbors will not be
12 hearing five generators after the storms. We
13 do hear the wastewater treatment plant
14 running around the clock. I mean, you know,
15 just flooding --

16 THE CHAIRPERSON: Just
17 remember, excuse me. Excuse me, ma'am.
18 You're supposed to be asking questions, not
19 making statements.

20 Thank you.

21 MS. ARCESI: Okay. Is it
22 possible to require that everyone goes onto
23 one generator so that we will not have to
24 hear four or five generators running? Can we
25 make that a -- something we're going to work

1 towards that goal together?

2 THE WITNESS (Chasse): That's
3 not in the -- that's not in our current
4 proposal.

5 MS. ARCESI: Can we ask for it
6 to be considered in the current proposal.

7 THE WITNESS (Chasse): Yeah.
8 It's just not something either of the
9 applicants are interested in at this time.

10 MS. ARCESI: Okay.

11 I know it said that the tower
12 -- how do I phrase this as a question?

13 Is it correct to say that the
14 tower will not be lit?

15 THE WITNESS (Libertine): Yes.

16 MS. ARCESI: Yes, thank you.

17 THE WITNESS (Libertine): Just
18 for the record, yes, it will not be lit.

19 MS. ARCESI: Thank you. And I
20 believe no noise emissions. I believe that's
21 what I heard; is that correct? And that's my
22 question regarding the generators, is the
23 noise that they would emit.

24 THE WITNESS (Chasse): Two
25 points of clarity. Having five, 30 or 50 kW

1 generators cumulatively the noise, it doesn't
2 add on top of one another. It's the inverse
3 square law, so it's, basically, maybe a 3 dB
4 increase per, as opposed to having a large
5 generator which puts out a larger noise.

6 To that end, whether it's air
7 conditioners or generators, they will be
8 designed and implemented such that they meet
9 the local or state noise ordinance, which is
10 usually for residential, 45 dB at night, 55
11 during the day.

12 MS. ARCESI: Okay. Good. Let
13 me think. A question regarding the turtles.
14 They do nest in this area, so I know there is
15 a proposal in there on how that's going to be
16 taken care of. Does it consider the fact
17 that they do naturally go towards water? So
18 if we have do have flooding and you're in low
19 area, they're going to come towards you and
20 they do dig under fences. So how do you
21 protect those turtles? I'm asking because
22 they nest in my yard, so I've seen what they
23 do to my yard. I know they're going to come
24 after -- if they're in the area, they're
25 going to go where they want to go. They go

1 to water.

2 THE WITNESS (Libertine): From
3 a standpoint of inundation in that area,
4 our -- I would hope that if there's any
5 flooding, it's not going to be for any length
6 of time. But I guess to answer your
7 question, there is going to be a chain-link
8 fence. Certainly, they could burrow
9 underneath that.

10 It's a full gravel based
11 compound, so it's certainly not their
12 preferred areas for -- and there's -- we're
13 really talking an area that's 60 by --
14 62-by-75. There's sufficient habitat
15 surrounding that, so I think that would
16 probably be preferential, but these are fair
17 -- once construction is done where we have
18 the protective measures plan in place during
19 construction, these are fairly -- they're
20 unmanned facilities that are really not
21 visited very often.

22 We're talking about -- I know
23 we put on the record that it's about once a
24 month per carrier. My experience is that
25 it's probably less than that. So we have

1 somebody coming in a, you know, Jeep Cherokee
2 or a sedan coming and checking on the
3 equipment. So we're not talking about a
4 high-traffic area or areas, or a large -- or
5 excuse me -- a frequency where there would be
6 a lot of activity that might endanger them.

7 If they were to get in or nest
8 or to use that area, we do have provisions in
9 place with the carriers that if, in fact,
10 they are to discover that any animal is using
11 the compound, they would call in an
12 appropriate handler to come in and relocate
13 those -- those individuals.

14 THE WITNESS (Chasse): And one
15 other thing to add. This is Scott Chasse.
16 When we developed the compound, you're going
17 to have the fence and then you're going to
18 have about a six-inch gravel bed.

19 Usually around the perimeter,
20 we'll sink in vertically a 2-by-10
21 pressure-treated lumber. This way turtles
22 are -- aren't going to go and be able to
23 burrow down underneath that to come up then
24 inside the equipment. So it's a further
25 deterrent for that.

1 MS. ARCESI: And they won't go
2 over it.

3 THE WITNESS (Chasse): No.

4 THE WITNESS (Libertine):
5 We've constructed several -- or I've been
6 involved in the construction of several of
7 these facilities within habitat that's known
8 to be suitable for several turtle species.

9 And again, just anecdotally,
10 in doing this for 20 years and seeing a lot
11 of these sites, I've never encountered the
12 use of the compounds. Typically, there's
13 sufficient areas outside that are probably
14 more preferable for them to use. So we
15 haven't -- we just haven't seen that as being
16 a major concern.

17 Construction? Absolutely, we
18 want to make sure we have protective measures
19 in place because of a lot more activity, and
20 it's expanded because of the footprint of
21 construction itself.

22 MS. ARCESI: Okay.

23 It does say in the proposal
24 that towers -- why would it say in the
25 proposal that towers are recommended for

1 siting in areas of the least population
2 density?

3 In this case, we are siting in
4 a heavily populated residential zone. So why
5 is it preferred to be in an area of the least
6 population density? And if that is where it
7 is preferred, why could we not look a little
8 further at our industrial zone?

9 THE WITNESS (Libertine): I'm
10 going to start with that and then, Vince, you
11 may want to pick up on that.

12 I'm not sure exactly what
13 context that's in, but as Mr. Xavier had
14 explained earlier, the -- what's happened in
15 the industry over the several years now is
16 that where at one time we probably could find
17 several areas to get coverage that would be
18 isolated and outside of residential areas
19 because of the technological advances and
20 uses, we're finding that a lot of the towers
21 now are going in residential areas and
22 there's just no way to avoid that if we're
23 going to provide that -- or if the Applicants
24 are going to be providing the coverage to
25 folks who want that coverage.

1 So I think, in this case, that
2 that may -- may have been a reference to we
3 know we're within an area where we have a lot
4 of residential development, so we tried to
5 find the most appropriate location within
6 there, which in this case is a fairly large
7 property that already has an industrial
8 infrastructure on it and has some buffer. So
9 I think that may have been what the intent of
10 that particular --

11 THE WITNESS (Xavier): I
12 couldn't say it better.

13 THE WITNESS (Libertine): So
14 that's the only reason, but I hear it can be
15 a little confusing because it's -- we're
16 saying, we want to stay away from densely
17 populated areas, yet the drivers now are such
18 that the market is saying, you need to be
19 within those areas.

20 So what we don't want to do is
21 come into a cul de sac and say, jeez, there's
22 an open lot on the end, let's go put it there
23 where you've 12 houses that are going to be
24 really under the shadow of this thing. So
25 that it's a challenge to find these sites, to

1 be quite honest with you. So we're trying to
2 find these large properties. And typically,
3 municipal properties kind of fit that bill,
4 especially where you've got, you know,
5 treatment plants or ballfields, which it's
6 not uncommon to have these at, you know,
7 recreation areas and that type of thing.

8 THE CHAIRPERSON: It's also a
9 challenge because we do have to break now.

10 So we're going to break now.
11 We are going to continue the public portion
12 of the hearing. And you'll have to continue
13 possibly after depending on how long the
14 public hearing lasts, or else to a date that
15 we'll specify and also for the other
16 intervenor.

17 And just again, the 7 p.m.
18 hearing is reserved for the public to make
19 brief oral statements into the record.
20 Again, that parties and intervenors are not
21 allowed to participate in the public comment
22 session. And, as I said, these intervenor
23 presentations may continue after the public
24 comment session if time remains, or we'll
25 continue it at a subsequent date.

1 And a verbatim transcript will
2 be made of this hearing and deposited with
3 the town clerk's office in Cheshire for the
4 convenience of the public. So we we'll take
5 a break now and resume back at 7 p.m.

6 Thank you.

7 (Whereupon, the witnesses were
8 excused, and the above proceedings were
9 adjourned at 5:14 p.m.)

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CERTIFICATE

I hereby certify that the foregoing 141 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the Council Meeting in Re: Petition No. 451, 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 CHESHIRE WASTEWATER TREATMENT PLANT, CHESHIRE TAX ASSESSOR MAP 38, LOT 180, 1325 CHESHIRE STREET, CHESHIRE, CONNECTICUT, which was held before ROBERT STEIN, Chairperson, and JAMES J. MURPHY, JR., Vice Chairperson, at Cheshire Town Hall, Council Chambers, 84 South Main Street, Cheshire Connecticut, October 9, 2014.

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

1 I N D E X

2 WITNESSES SCOTT CHASSE

3 MICHAEL LIBERTINE

4 MARTIN LAVIN

5 VINCENT XAVIER

6 ADAM BRAILLARD Page 17

7 EXAMINERS:

8 Mr. Martin Page 22

9

10 APPLICANTS' EXHIBITS

11 (Received in evidence.)

12 EXHIBIT DESCRIPTION PAGE

13 II-B-1 Application for a Certificate
14 of Environmental Compatibility
and Public Need 18

15 II-B-2 Applicant's Responses to
16 Council Interrogatories, dated
September 23, 2014 18

17 II-B-3 Affidavit of Sign Posting,
18 dated September 25, 2014 18

19 II-B-4 Resumes and professional
biographies, submitted
20 October 1, 2014 18

21 II-B-5 Publisher's Affidavit, dated
22 October 6, 2014 19

22

23

24

25