

In The Matter Of:

Application from Cellco Partnership d/b/a Verizon

HEARING

October 6, 2016

BCT Reporting LLC

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Bristol, CT 06010

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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 469

Application from Cellco Partnership d/b/a Verizon
for a Certificate of Environmental Compatibility
and Public Need for the Construction, Maintenance,
and Operation of a Telecommunications Facility
Located at 520 Bailey Hill Road Killingly,
Connecticut

Siting Council Hearing held at the Killingly
City Hall, Town Meeting Room, 172 Main Street,
Killingly, Connecticut, Thursday, October 6, 2016,
beginning at 3:00 p.m.

H e l d B e f o r e :

ROBIN STEIN, Chairman

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

2 Council Members:

3 ROBERT HANNON,

4 DEEP Designee

5

6 CHENCHAO LU, ESQ.

7 PURA Designee

8

9 PHILIP T. ASHTON

10 DANIEL P. LYNCH, JR.

11 DR. MICHAEL W. KLEMENS

12

13 Council Staff:

14 MELANIE BACHMAN, ESQ.,

15 Executive Director and

16 Staff Attorney

17

18 MICHAEL PERRONE

19 Siting Analyst

20

21

22

23

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25

1 A p p e a r a n c e s:(cont'd)

2 For CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS:

3 ROBINSON & COLE, LLP

4 280 Trumbull Street

5 Hartford, Connecticut 06103-3597

6 BY: KENNETH C. BALDWIN, ESQ.

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1 THE CHAIRMAN: Good afternoon,
2 ladies and gentlemen. I'd like to call to order
3 this meeting of the Connecticut Siting Council
4 today, Thursday, October 6, 2016, at 3 p.m. My
5 name is Robin Stein. I'm Chairman of the Siting
6 Council.

7 Other members of the Council
8 present are Mr. Hannon, designee from the
9 Department of Energy and Environmental Protection;
10 Mr. Lu, designee from the Public Utilities
11 Regulatory Authority; Mr. Ashton; Dr. Klemens; and
12 Mr. Lynch.

13 Members of the staff present are
14 Melanie Bachman, our Executive Director Staff
15 Attorney; and Mr. Perrone, our siting analyst.

16 This hearing is held pursuant to
17 the provisions of Title 16 of the Connecticut
18 General Statutes and of the Uniform Administrative
19 Procedure Act upon an application from Cellco
20 partnership d/b/a Verizon for a certificate of
21 environmental compatibility and public need for
22 the construction, maintenance and operations of a
23 telecommunications facility located at 520 Bailey
24 Hill Road in Killingly, Connecticut. This
25 application was received by the Council on

1 July 26, 2016.

2 As a reminder to all,
3 off-the-record communication with a member of the
4 Council or a member of the council staff upon the
5 merits of this application is prohibited by law.
6 The applicant to this proceeding is, as I
7 mentioned, Cellco Partnership, Verizon. Attorney
8 Baldwin is the representative.

9 We will proceed in accordance with
10 the prepared agenda, copies of which are
11 available, I believe, next to that door to my
12 right behind the podium. Also available are
13 copies of the Council's citizen guide to Siting
14 Council procedures.

15 At the end of this afternoon's
16 evidentiary session we will recess and resume
17 again at 7 p.m. for the public comment session.
18 The 7 p.m. public comment session will be reserved
19 for the public to make brief oral statements into
20 the record.

21 I wish to note for those who are
22 here and for the benefit of your friends and
23 neighbors who are unable to join us for the public
24 comment session, that you or they may send
25 written statements to the Council within 30 days

1 of the date hereof and such written statements
2 will be given the same weight as if spoken at the
3 hearing.

4 A verbatim transcript will be made
5 of this hearing and deposited with the town
6 clerk's office in Killingly for the convenience of
7 the public.

8 I wish to call your attention to
9 those items shown on the hearing program marked as
10 Roman numeral 1D, items 1 through 69. Does the
11 applicant have any objection to the items that the
12 Council has administratively noticed?

13 MR. BALDWIN: No, Mr. Chairman.

14 THE CHAIRMAN: Accordingly, the
15 Council administratively notices these existing
16 documents, statements and comments.

17 Attorney Baldwin, will you present
18 your witness panel for the purposes of taking the
19 oath?

20 MR. BALDWIN: Thank you
21 Mr. Chairman. Kenneth Baldwin with Robinson &
22 Cole on behalf of the applicant Cellco
23 Partnership, doing business as Verizon Wireless.
24 Our witnesses for this afternoon are as follows.

25 From Verizon wireless, Mr. Tony

1 Befera, Manager of Real Estate Project
2 Implementation; and Mr. Ray Luke Paradis, the
3 radio frequency engineer responsible for the
4 Bailey Hill Cell site.

5 To my left is Doug Roberts with
6 Hudson Design Group, the project engineers. And
7 at my right, your left, the far end of the table
8 is Dean Gustafson, the senior wetlands scientist
9 and professional soil scientist; and Mike
10 Libertine, the Director of Siting and Permitting
11 with All-Points Technology Corporation, the
12 environmental consultants working on this project.

13 And I would offer them to be sworn
14 at this time.

15 THE CHAIRMAN: Please rise to take
16 the oath.

17

18 A N T H O N Y B E F E R A,
19 R A Y L U K E P A R A D I S,
20 D O U G L A S J. R O B E R T S,
21 M I C H A E L L I B E R T I N E,
22 D E A N G U S T A F S O N,

23 called as witnesses, being first duly sworn
24 by the Executive Director, were examined and
25 testified on their oaths as follows:

1 MR. BALDWIN: Mr. Chairman, the
2 applicant has four exhibits. They're listed in
3 the hearing program under Roman 2, subsection B,
4 items 1 through 4. And I offer them at this time
5 for identification purposes, only subject to
6 verification by the witnesses.

7 If I could ask my witnesses to
8 answer the following questions. Did you prepare,
9 assist in and supervise the preparation of those
10 exhibits listed in the hearing program listed
11 under Roman 2, section B, items 1 through 4?

12 Mr. Gustafson?

13 THE WITNESS (Gustafson): Yes.

14 MR. BALDWIN: Mr. Libertine?

15 THE WITNESS (Libertine): Yes.

16 MR. BALDWIN: Mr. Befera?

17 THE WITNESS (Befera): Yes.

18 MR. BALDWIN: Mr. Paradis?

19 THE WITNESS (Paradis): Yes.

20 MR. BALDWIN: Mr. Roberts?

21 THE WITNESS (Roberts): Yes.

22 MR. BALDWIN: And do you have any
23 corrections, modifications, or clarifications to
24 offer to any of those exhibits?

25 Mr. Gustafson?

1 THE WITNESS (Gustafson): I have
2 one clarification, and this was raised during the
3 site walk earlier this afternoon regarding the
4 distance from the proposed facility to nearby
5 wetland resource areas.

6 The nearest on-property wetland
7 resource is approximately 425 feet to the
8 southeast, and that's associated with a large pond
9 located on the property. The nearest off-site
10 wetland resource is identified as wetland one in
11 the documentation in the application. And that's
12 approximately 500 feet to the southwest of the
13 proposed Verizon facility, and that's the distance
14 to the wetland, not the property boundary.

15 MR. BALDWIN: Mr. Libertine?

16 THE WITNESS (Libertine): Yes, I
17 have one correction -- excuse me. On Exhibit 4
18 which is the sign posting affidavit there was an
19 incorrect address in line item number 6. And that
20 should actually read that the sign was posted
21 along Bailey Hill Road in front of the site, and
22 not Great Pasture Road.

23 MR. BALDWIN: Thank you.

24 Mr. Befera?

25 THE WITNESS (Befera): No.

1 MR. BALDWIN: Mr. Paradis?

2 THE WITNESS (Paradis): No.

3 MR. BALDWIN: Mr. Roberts?

4 THE WITNESS (Roberts): I have a
5 few corrections and a modification.

6 First off, as we like to use
7 instead of a 12 by 20 new platform, we're looking
8 to increase that to a 12 by 26 platform. It was
9 brought to our attention more recently that would
10 allow us more additional flexibility on that. And
11 if the site is approved we'll reflect that as in
12 the D and M plans.

13 My next comment is regarding the
14 interrogatories on page 13, question number 33.
15 Since we're after October 1st, the Connecticut
16 building code has changed and is the 2016,
17 Connecticut State Building Code and TIA/EIA 222
18 would be G. We have, of course, the town by town
19 wind speed reflected in the latest building code.

20 Under the docket itself we have
21 just a couple clarifications. Under tab 1, on
22 page 6, again item number 3, was the standard
23 222F. That's now G under the new Connecticut
24 building code.

25 And under tab 1, page 7, under

1 noise we reference a prefabricated equipment
2 shelter. We're using exterior equipment as shown
3 on the drawings. And that is all I have.

4 MR. BALDWIN: And with those
5 corrections and clarifications is the information
6 contained in those exhibits true and accurate to
7 the best of your knowledge?

8 Mr. Gustafson?

9 THE WITNESS (Gustafson): Yes.

10 MR. BALDWIN: Mr. Libertine?

11 THE WITNESS (Libertine): Yes, it
12 is.

13 MR. BALDWIN: Mr. Befera?

14 THE WITNESS (Befera): Yes.

15 MR. BALDWIN: Mr. Paradis?

16 THE WITNESS (Paradis): Yes.

17 MR. BALDWIN: Mr. Roberts?

18 THE WITNESS (Roberts): Yes, it is.

19 MR. BALDWIN: And do you adopt the
20 information in those exhibits as your testimony
21 this afternoon?

22 Mr. Gustafson?

23 THE WITNESS (Gustafson): I do.

24 MR. BALDWIN: Mr. Libertine?

25 THE WITNESS (Libertine): Yes.

1 MR. BALDWIN: Mr. Befera?

2 THE WITNESS (Befera): Yes.

3 MR. BALDWIN: Mr. Paradis?

4 THE WITNESS (Paradis): Yes.

5 MR. BALDWIN: And Mr. Roberts?

6 THE WITNESS (Roberts): Yes.

7 MR. BALDWIN: I offer them as full
8 exhibits, Mr. Chairman.

9 THE CHAIRMAN: The exhibits are
10 admitted. We'll now begin with the
11 cross-examination starting with staff,
12 Mr. Perrone.

13 MR. PERRONE: Thank you,
14 Mr. Chairman.

15 While we're on the topic of
16 technical corrections, I just had one possible
17 one. On page "I" of the application it states
18 that the property owner is Tri-Lakes, LLC. But on
19 page 17 it says that the property is owned by the
20 Town. Is Tri-Lakes, LLC, the correct property
21 owner?

22 THE WITNESS (Befera): Yes.

23 MR. PERRONE: Can you tell us what
24 the subject property is currently used for? I
25 know the application says undeveloped, but there's

1 access and there's a gate. What is its current
2 use?

3 THE WITNESS (Roberts): Doug
4 Roberts. Yes, right now it's basically almost
5 forestland. It was originally part of a larger
6 development that I believe was abandoned many
7 years ago. And those access roads are just
8 private access roads down to the lake.

9 MR. PERRONE: Are there any on-site
10 residential structures?

11 THE WITNESS (Roberts): Not to my
12 knowledge.

13 MR. PERRONE: Did the applicant fly
14 a balloon today?

15 THE WITNESS (Libertine): Mike
16 Libertine with APT. Excuse me, yes. We've had a
17 red helium-filled balloon, excuse me, about 4 feet
18 in diameter tethered to the full string height of
19 150 feet since about quarter to 8 this morning,
20 and we'll keep that up until 6 p.m.

21 MR. PERRONE: Could you describe
22 the weather conditions at the field review balloon
23 flight?

24 THE WITNESS (Libertine):
25 Certainly. We've had great weather

1 today in terms of keeping the balloon aloft and at
2 its full height for the most part. We have great
3 visibility over several miles and winds have been
4 probably about three miles an hour or less with
5 some gusts in the five to six-mile an hour range.

6 I'd say, as is typical this time of
7 year during the midpart portion of the day, about
8 the time of the site walk we were getting a little
9 bit of defection as you probably saw, but for the
10 most part it's been -- it's been maintained at the
11 full height.

12 MR. PERRONE: So for the 150 feet,
13 is that like the string length to the bottom of
14 the balloon, or the height to the top of the
15 balloon?

16 THE WITNESS (Libertine): No, it
17 was the, actually, the former. We do tend to use
18 the full strength height of the proposed height
19 and what that allows us to do is to have about an
20 additional four feet or so on top. So if we do
21 get some defection you're still able to see it.

22 So it is, as you had suggested.
23 The bottom of the balloon is at the full 150, the
24 top of the balloon at approximately 154 feet.

25 MR. PERRONE: And I understand the

1 applicant put up a sign and we have the sign
2 affidavit. But generally is it correct to say
3 that the sign included information regarding the
4 project and the Council's public hearing?

5 THE WITNESS (Libertine): That is
6 correct.

7 MR. PERRONE: Did the applicant
8 receive any comments or recommendations from the
9 Town of Killingly?

10 THE WITNESS (Roberts): No.

11 MR. PERRONE: And I understand from
12 the interrogatory responses that no carrier or the
13 Town had expressed an interest on collocating.
14 I'd like to ask the same question as an update.
15 To date has the applicant received any interest in
16 collocating?

17 THE WITNESS (Befera): No.

18 MR. PERRONE: Would the applicant
19 offer space on the tower for emergency, for
20 municipal emergency services antennas if
21 requested?

22 THE WITNESS (Befera): We would
23 like that to be conditioned. We want to. We've
24 run into issues recently where the company, when
25 they get a substantial tower inventory, it sells

1 it on us.

2 And we had an instance in Vermont
3 where the tower company that the company Verizon
4 sold them to wouldn't honor our promise that we
5 made in the hearing. And they wanted to charge
6 the Town rent to put -- to put their stuff on the
7 tower that we told them they could.

8 So if it were a condition they
9 can't deny it. So by all means, we would
10 certainly like to do that, but in a way that
11 cannot be reversed should the company sell the
12 tower.

13 THE CHAIRMAN: Mr. Lynch has a
14 follow-up question.

15 MR. LYNCH: In the condition you
16 just referenced was that a new tower, an existing
17 tower with the municipal equipment already on it?
18 And did you have a contract of any type with the
19 Town?

20 THE WITNESS (Befera): No. There
21 was no contract with the Town. The problem that
22 arose was the town took several years to get their
23 funding. Had they had their equipment when we
24 still owned the tower it would have been fine, but
25 by the time they had the funding to purchase their

1 equipment to put up on the tower we no longer
2 owned the tower.

3 So -- but of course, if it was a
4 condition of the approval it goes with the sale.

5 MR. LYNCH: I understand. I just
6 wanted to get a little clarification. Thank you.

7 MR. PERRONE: Mr. Roberts, given
8 the location of the tower on the subject property,
9 is it correct to say that no yield point would be
10 necessary to ensure that the setback radius
11 remains within the property boundaries?

12 THE WITNESS (Roberts): That is
13 correct, Mr. Perrone.

14 MR. PERRONE: Is that also correct
15 to say that no landscaping is proposed around the
16 compound because of the wooded areas around it?

17 THE WITNESS (Roberts): That is
18 correct.

19 MR. PERRONE: I understand there's
20 no tree clearing, but just to be a bit more
21 precise, would you have to remove some brush or
22 would there potentially be some trees under
23 six inches?

24 THE WITNESS (Roberts): Yes. Most
25 of -- no trees over six inches would be removed.

1 But yeah, there's a lot of scrub oak and
2 miscellaneous vegetation that would need to be
3 cleared for the compound area.

4 MR. PERRONE: And turning to sheet
5 A1, the compound plan, the compound drawing, it
6 mentions the crushed stone on the compound service
7 over Mirafi fabric, M-i-r-a-f-i. What does that
8 fabric do/prevent? Weed growth?

9 THE WITNESS (Roberts): That's
10 exactly correct. It's stabilization as well as
11 preventing weeds throughout.

12 MR. PERRONE: And as far as the
13 access, I know there's two pieces to it. There's
14 an existing and proposed, so a total length of
15 something like 674. So with the elevations would
16 the average grade be something like 5 percent?

17 THE WITNESS (Roberts): I would
18 venture to guess even less than that.

19 MR. PERRONE: Okay. Mr. Libertine,
20 a few visibility questions. I understand in the
21 past when we sometimes see an average tree height
22 in the visibility analysis -- is it done currently
23 now with the lidar and updated models where you
24 don't need an average tree height?

25 THE WITNESS (Libertine): Well,

1 yes. The simple answer is, yes. We are doing
2 things differently with the advent of availability
3 of lidar data in its various forms. We have a
4 fairly robust data set for portions of the state.
5 So where we do, rather than use the old model
6 inputs -- which at times we have to because of the
7 limitations of where the data is available.

8 As you're suggesting, we had
9 assigned an average tree height to the entire
10 forested layers that were populated within our
11 study area. So it was assumed to be uniform,
12 although we know in the real world that it's not,
13 but that was somewhat of the limitation of the
14 data.

15 With the new lidar data we have the
16 ability to do some analysis in GIS such that each
17 of the individual trees are tallied in terms of
18 their height. So that modulation that you get in
19 the real world is actually then reflected. It
20 gives us a little bit more precision.

21 Like anything, it has its pros and
22 its cons, but that is the distinction. So that's
23 why you're not seeing that particular statement
24 that we used to make and that assumption that we
25 put it there.

1 I will say in that this area the
2 trees are in the 65 to 70-foot range on average.
3 As you can see from driving through the area it's
4 very, very densely wooded and sparsely populated.

5 MR. PERRONE: Regarding the photo
6 simulations, are those based on 150 feet? Or
7 because of the crane are they more conservative at
8 160?

9 THE WITNESS (Libertine): No, the
10 one photo simulation we were able to actually do
11 was scaled to reflect the 150-foot height. We --
12 we did have it at 160 originally, because at the
13 time when we did our work and the reason the
14 height of the crane was a little taller, the
15 radiofrequency engineers were out trying to decide
16 exactly what height.

17 But no, we actually had it scaled
18 off both in the field as well as -- on the
19 computer as well. So it's 150 is what's being
20 reflected. Unfortunately we didn't -- I don't
21 know if it's good or bad. We don't -- we don't
22 have a lot of shots that really show much
23 visibility, so we didn't have the opportunity to
24 really do too many simulations on this particular
25 project.

1 MR. PERRONE: But all the photo
2 sims are at 150. They're scaled-back?

3 THE WITNESS (Libertine): That's
4 correct.

5 MR. PERRONE: Within the view shed
6 area are there any state scenic or recreational
7 resources in that area?

8 THE WITNESS (Libertine): There are
9 none. There is some state forestland that
10 populates a portion, but there are no scenic
11 areas. This is, no scenic roads, no historic
12 resources or the like.

13 MR. PERRONE: Looking at the
14 visibility areas I see most of it is in the center
15 of the view shed map, but there are some to the
16 west in the Mashentuck Mountain area. And I
17 believe that's M-a-s-h-e-n-t-u-c-k for the
18 transcript.

19 Mr. Libertine, could you generally
20 describe the views of the tower from the
21 Mashentuck Mountain area?

22 THE WITNESS (Libertine): I
23 couldn't access. I went over as close as I could
24 to there on the roads, but really could not get
25 access.

1 The reason, our computer model was
2 showing that there might be some visibility on
3 that, what I'll call, the eastern shoulder looking
4 back towards the site. So not being able to field
5 verify it I felt it was important to leave it
6 there.

7 My guess is, at best, during leaf
8 off if you're looking through the trees and you're
9 on the slope at the right point. You may be able
10 to see the very top of the tower, but that's
11 purely just based on me taking a look at the
12 topography, intervening vegetation, that type of
13 thing.

14 It's not going to be something that
15 is going to be significantly above the treeline.
16 That, I'm confident of that.

17 MR. PERRONE: Turning to RF issues,
18 I understand the power density analysis was
19 performed with the standard worst-case. I
20 understand some carriers will use, like, a 10 dB
21 reduction to account for an antenna pattern, or
22 you end up with a percent MPE that's about 1
23 tenth. Does that give a reasonable approximation?

24 THE WITNESS (Paradis): So you're
25 talking about the study that's done to show what

1 the power around the site is?

2 MR. PERRONE: Yes.

3 THE WITNESS (Paradis): I just used
4 models that are set up and used the calculations
5 provided to me. I don't know the details of those
6 calculations. I just know that I have ranges
7 where I have to operate within, within those
8 ranges for safety.

9 MR. LYNCH: Could you speak up,
10 please?

11 MR. PERRONE: Thank you. That's
12 all I have.

13 THE CHAIRMAN: Thank you. We'll
14 now continue with questions from members of the
15 Council.

16 Dr. Klemens?

17 DR. KLEMENS: Thank you,
18 Mr. Chairman.

19 Though I mentioned this out on the
20 site walk, I'll mention it again. Under the
21 corrections on all the various propagation maps
22 the site is referred to as a wireless small-cell
23 facility, yet on the locator map it's called a
24 proposed monopole tower.

25 For the record, maybe you'd like to

1 clarify what it is you're putting there?

2 THE WITNESS (Libertine): Thank
3 you, Dr. Klemens. You're absolutely correct and
4 that's -- in the legend itself it's incorrectly
5 labeled as a small-cell facility and that it
6 should be -- this is the macro site. Thank you.

7 DR. KLEMENS: I just have very few
8 questions about the ecology of the area and
9 wetlands. And they're both kind of odd questions,
10 so bear with me.

11 In the field today I noticed a
12 community of bare oak, myrica salicifolia, pitch
13 pine, sweet fern comptonia, and this is all, to
14 me, basically a serotinus community. And I'd like
15 to know additional protections you're
16 contemplating placing a facility like this in an
17 area that is periodically propagated and
18 maintained by burning.

19 And if you maybe need -- I guess
20 where I'm going with this, in the field you took
21 great pride in saying you're not going to clear
22 much. And I'm turning that around, is that you
23 have a community out there, serotinus, which is a
24 fire maintained. Fire, the pitch pine, the bare
25 oak, that's all fire maintained plants.

1 So my question to you, and I don't
2 know who to answer that is, are the standard
3 compound clearing restrictions adequate to protect
4 this from a fire, which given the nature of that
5 plant community can and will happen?

6 A sort of long roundabout question
7 taking ecology, moving it to engineering. Is what
8 you're doing going to be protected from the fires
9 that invariably go through that type of habitat as
10 to how it's maintained?

11 MR. BALDWIN: I'm going to ask for
12 a little bit more time, Dr. Klemens. I've been
13 doing this a long time and that's the first time
14 I've heard that one. But if you don't mind, I'd
15 like to just kind of give that a little bit more
16 thought, and then have Doug and Mike perhaps
17 address it.

18 DR. KLEMENS: Let me be clear, it's
19 not a concern about the habitat. My concern is
20 you're placing a facility there with a lot of
21 equipment and you may, you know, you're always
22 trying not to clear much, but in this case you may
23 need to clear more to protect your facility. I'm
24 just throwing that out there. That's the first
25 thing.

1 The next thing is, because it is
2 the sort of habitat that looks great to hognosed
3 snake, and I would hope that maybe as you go
4 forward with this, make you have some sort of
5 protection, a way to protect the hognosed snake as
6 you have at other habitats. I know there's not a
7 NDDB record for there, but the habitat is really
8 excellent.

9 THE WITNESS (Gustafson): Dean
10 Gustafson. I would -- I would agree, Dr. Klemens.
11 It's not technically pine barren habitat, but it
12 has a lot of similar characteristics and it has,
13 you know, good, sandy accessibly drained glacial
14 till soils. So I agree that it has the potential
15 to support the hognosed snake.

16 We didn't observe any while we were
17 out doing our investigation work, but as you know
18 that snake is extremely difficult to survey for.
19 So just because we didn't see it doesn't mean it
20 doesn't have the potential to exist there.

21 So what I would propose is what
22 we've done on similar projects and including sites
23 in the past where we've have had hognosed snake,
24 is to employ some protective measures including
25 installing a restrictive barrier around the main

1 compound construction zone and then contractor
2 awareness training.

3 And then taking special precautions
4 for the contractor for when he comes up the
5 existing access road in case, you know, there's a
6 snake basking in the sun in the open area so we
7 can avoid any unintentional take of hognosed snake
8 with the construction of the facility.

9 DR. KLEMENS: That's great.
10 Certainly I think the hognosed snakes appreciate
11 that. And you're right. I mean, I worked in
12 Plainfield for ten years on various sites like
13 that and only once saw a hognose, a big gravid
14 female hognose one evening. They're very
15 secretive.

16 The last one is a very strange
17 question, and I sort of tipped my hand to that out
18 in the field. And it has to do with the way we
19 actually track things. And if you look on the
20 location map that you have at the front, the
21 topographic map, you'll probably see at the very
22 right-hand corner in Rhode Island something called
23 the Balm of Gilead Swamp, under Jeremiah Hill.
24 It's right sort of off on the locator map.

25 Mike, if you look up you JE for

1 Jeremiah. You will see the swamp right below it.

2 THE WITNESS (Gustafson): Yeah, I
3 see it. I have it.

4 DR. KLEMENS: This really raises an
5 interesting problem for me as a conservationist.
6 That swamp and all the springs on Jeremiah Hill
7 are documented sites for spring salamanders, which
8 both in Rhode Island and in Connecticut are
9 threatened.

10 And it's kind of interesting. You
11 know, had this been in Connecticut the blob would
12 have been open, the whole site, but it's not. But
13 I just would ask you again for the record, as you
14 know, it requires spring breakouts. And I believe
15 you said in the field there was nothing that, on
16 the site or near the site that would be considered
17 that type of habitat?

18 THE WITNESS (Gustafson): That's
19 correct. Our -- because the wetland resources
20 that are approximate to the proposed facility are
21 so distant, our study area was larger than what we
22 typically do. It's generally 2 to 3 hundred feet.
23 In this case, you know, we're dealing with the
24 study area that's about 500 feet around the
25 proposed development activities.

1 The nearest on-site, as I've
2 indicated earlier, is the nearest pond system
3 that's pretty well in size in a topographic
4 depression. That bank that's identified in the --
5 in the application is a pretty well established
6 bank. There's no seepage associated with that
7 shoreline of the pond.

8 And then the -- the small wetland
9 system that's located just off site near, kind of
10 along Bailey Hill road is -- there's a
11 depressional system with a depressed water table.
12 It's not a seepage system. It's kind of a surface
13 water depressional system. So we didn't find any
14 wetland resources that had any spring type
15 hydraulic characteristics that could potentially
16 support spring salamander.

17 DR. KLEMENS: Okay. And in no
18 spring houses or anything scattered around the
19 property near the site?

20 THE WITNESS (Gustafson): Yeah, I
21 didn't come across any during my wetland
22 investigation.

23 DR. KLEMENS: Thank you. That's
24 all the questions I had, Mr. Chairman.

25 THE CHAIRMAN: Thank you.

1 Mr. Ashton?

2 MR. ASHTON: Okay. I don't have
3 much. I've got two here. I don't have much. The
4 first one I have is the duration of the lease
5 period is five years and then there's, what?
6 Three or four, or five-year periods where a lease
7 can be renewed. Is that correct?

8 THE WITNESS (Befera): Yes, sir.

9 MR. ASHTON: We've had some
10 experience, limited, but nonetheless alarming
11 where at the end of the lease period the property
12 owner has kicked off the cell tower, which I find
13 somewhat alarming if we're building up a system of
14 cell sites that is going to become our primary
15 mechanism, or means of communication.

16 What kind of options do you have at
17 the end to prevent getting kicked off the site?

18 THE WITNESS (Befera): Convincing
19 them --

20 MR. ASHTON: The answer is none.
21 Just say it?

22 THE WITNESS (Befera): The answer
23 is none, but the only -- the only recourse we
24 would have would be money.

25 MR. ASHTON: All right. Given the

1 fact that your -- if my experience with real
2 estate is anything like what you are, you're
3 paying a substantial portion of the property value
4 up front.

5 Why would the applicant not
6 consider purchasing that site, or otherwise
7 encumbering it for a very long period of time?
8 And 20 years ain't long, believe me.

9 THE WITNESS (Befera): I think that
10 the company's position is always to -- has always
11 been to -- to obtain control of these properties
12 under a lease expense scenario, as opposed to a
13 capital expenditures scenario. And I think that
14 that gets into accounting issues and tax
15 consequences that I am not qualified --

16 MR. ASHTON: You're going to be
17 dropping three quarters of a million bucks on this
18 site when you throw all the nuts and bolts and the
19 whistles and so forth into it. In my mind the
20 incremental cost of a permanent easement, for
21 example, can't be that much, not on a
22 hundred-by-hundred parcel.

23 If you're taking the 600 acres I
24 could understand it, but I would hope that you --
25 and I'm looking at Mr. Baldwin, too, because he's

1 got his little pinkies in a lot of sites and I
2 respect his judgment. But I'm a little worried
3 about this as to what we're going to find, with a
4 few others that are looking very much younger than
5 are looking like me.

6 Time flies fast. I've been on the
7 Council for 20 years plus a few months, and it is
8 alarming to me to think that for whatever reason
9 there could be a rash of requests that say, we
10 want you off. And I don't know what the option
11 is.

12 I mean, I'll press a little
13 further. Is satellite a clear and unequivocal
14 option for a site that you have to vacate?

15 THE WITNESS (Befera): No, that
16 would -- a satellite would never be an option for
17 delivering this type of service.

18 MR. ASHTON: So if you're kicked
19 off, it's sayonara for the recipients in that
20 area. Is that fair to say?

21 THE WITNESS (Befera): Well, in the
22 worst-case scenario in the short term only. We --
23 we have had a great deal of success with renewals
24 of our leases when they do come due. We have been
25 providing this type of service in leasing 20-year

1 leases for 20 to 25 -- we went to 25 even more
2 recently -- for about 30 years now. So we've gone
3 through a great deal of renewals, if not almost
4 every site in our system to date.

5 MR. ASHTON: In the course of a
6 year like 2016 how many renewals have you executed
7 that take you out of this 20-year or 25-year hole?

8 THE WITNESS (Befera): We -- we
9 have -- our success rate of renewals in what we
10 would consider the western half of New England in
11 which Connecticut is part, we have renewed in
12 excess of 500 leases over the course of the past
13 10 to 15 years.

14 MR. ASHTON: Okay. What percent is
15 that of the leases that have come due?

16 THE WITNESS (Befera): That's
17 probably about 98 percent of them. We have, I'd
18 say -- Mr. Ashton, we also have in certain
19 instances if a landlord wants to hold you hostage
20 at the end of the existing term, whether it be a
21 rooftop cell site or whether it be a ground-based
22 cell site, we have a relocation program where we
23 end up relocating rather than paying the ransom.

24 MR. ASHTON: I'm sure that's the
25 case and we've seen some of it. Okay. I don't

1 want to flog a dead horse, but I have to raise
2 this as a significant concern on my part as a
3 Councilmember.

4 You have a nice site here in that
5 there's, as I look at the print, there's minimal
6 cuts and feels. You can almost take it out in a
7 couple of wheelbarrow loads. I want to give you a
8 heads up that -- Ken, I'm looking at you a little
9 bit -- that when we get into some sites where
10 there's a fair amount of cutting I'm going to be
11 looking to see whether or not that cut, those cuts
12 can be disposed of on site and you can use them as
13 a berm in effect to hide all the claptrap lower
14 down.

15 I don't think that's clearly
16 warranted here, not from what I read, anyway. But
17 if I can make it to the next hearing that will be
18 a question I'm probably going to ask.

19 Fencing, I assume we've got a nice
20 climb -- what's the word proof? What's the word
21 for fencing that you can't climb?

22 THE WITNESS (Libertine):

23 Anti-climbing?

24 MR. ASHTON: Anti-climbing or
25 high-security level fencing. I couldn't see

1 anything in the application. Two-inch or less
2 than two-inch mesh?

3 THE WITNESS (Roberts): Yes,
4 we'll -- we'll make sure on the D and M we're
5 going to use the anti-climbing fence.

6 MR. ASHTON: And lastly, there's
7 something in this application that absolutely
8 stopped me in my tracks.

9 Nothing wrong, nothing at all, but
10 if you go to tab 18 and you go into the very back
11 of tab 18 on what is page 13, there was a name
12 there that I couldn't conceive of. It sounds like
13 something out of the Boston Bay Colony. And the
14 name is Twice Willing. Is that a real name, you
15 know, I'm Twice Willing?

16 Is somebody pulling our leg here a
17 little bit, or what?

18 MR. BALDWIN: Perhaps bad
19 parenting.

20 MR. ASHTON: I'm sorry?

21 MR. BALDWIN: Bad parenting. I
22 don't know, Mr. Ashton.

23 MR. ASHTON: I don't know. I had
24 read that and I said, that can't be, but you're
25 telling me I guess it is. Mr. Baldwin is going to

1 testify to the best of his knowledge and belief
2 that is a valid name.

3 I have nothing further,
4 Mr. Chairman. Thank you very much.

5 THE CHAIRMAN: Thank you.

6 Mr. Lynch?

7 MR. LYNCH: Let's see. Mr. Befera,
8 I'd like to revisit before what you said about the
9 contracts and, you know, selling or giving up your
10 tower.

11 We've had a lot of certificate
12 transfers of late and maybe this is a legal
13 question, but you know, would the new owner be
14 obligated to honor a contract if we made it a
15 condition of the siting?

16 THE WITNESS (Befera): Of the
17 permitting, regulatory?

18 MR. LYNCH: Yes.

19 THE WITNESS (Befera): Yes, if it's
20 a condition of the existence of the tower to begin
21 with, that goes with it. They would have no
22 recourse. They would not be able to say no
23 because the alternative situation in that case
24 would be, then take that tower down because that,
25 you got the approval with this condition. If you

1 don't honor this condition no tower. They won't
2 want that.

3 MR. LYNCH: That make sense.

4 MR. BALDWIN: I think it satisfies
5 both the contractual obligation between the
6 transferor, Verizon wireless, the transferee,
7 whoever that is.

8 But they're also transferring the
9 certificate and that's where I think the Council
10 comes into play. If you've got a condition of
11 your approval that is now transferred to this new
12 owner they're obligated to comply with those
13 conditions just as we would.

14 MR. LYNCH: Not being an attorney,
15 I wanted to know that for sure.

16 Let's see. A couple things I want
17 to get clarified before I get into some of the
18 other questions. The first one is does the --
19 your buying or takeover of Yahoo influence what's
20 happening within the wireless Verizon system?

21 THE WITNESS (Befera): I have no
22 idea, however I can't see how the two are related
23 other than on a technical on technological basis.
24 That has really nothing to do with the wireless
25 services that we provide at this time.

1 MR. LYNCH: Seeing that you're now
2 operating their Internet, that won't come over,
3 switch over to tablets or cellphones in the
4 future? Or could it?

5 THE WITNESS (Befera): It very well
6 could. I think there are a lot of technologies
7 that we offer today that we never even dreamed of
8 when we started doing this business in analog 30
9 years ago.

10 MR. LYNCH: That's on my list, too.
11 The second one, before I get to that part of it,
12 which is GPS -- because the, you know, Mr. Ashton
13 referenced 20 years ago where we we're close to
14 state lines, one state had one band and one state
15 had the other band and you had to tilt your
16 antennas. Is that scenario still in place?

17 THE WITNESS (Paradis): That's
18 effective only across the 850 band, which I'm not
19 considering deploying right now. When we do
20 deploy it we'll probably set up an agreement and
21 shift things around a little bit to have room for
22 that.

23 MR. LYNCH: Okay. I was just
24 wondering whether that was the case or not
25 anymore. And the other thing I noticed, and in

1 the application, is this tower is going to have
2 GPS. And I'm looking at A2, behind tab 1. Now is
3 that incorporated in the antennas? Or is that a
4 separate part of the antenna array here, the GPS?

5 THE WITNESS (Befera): Well, the
6 GPS system is a function of the equipment locate,
7 you know, the equipment location. And typically
8 the GPS is not mounted with the antenna array up
9 high unless there's shading from surrounding trees
10 or structures. Typically we mounted it on the ice
11 bridge which goes from the --

12 MR. LYNCH: I know what the ice
13 bridge is.

14 And now you have to educate me
15 here, too. You answered Mr. Ashton saying that
16 you're not using any type of satellite. Isn't GPS
17 a satellite system?

18 THE WITNESS (Befera): Okay. Well,
19 in that sense, the -- yeah. In that sense the GPS
20 gets its information from satellite, yes, but my
21 answer to Mr. Ashton was in reference to us
22 delivering our services through satellite.

23 MR. LYNCH: And the reason I ask is
24 I was driving around New Hampshire, the Portsmouth
25 Naval Yard last week and everyone in the car was

1 telling me where to go on their cellphones. They
2 told me a few other places to go, too, but that's
3 another story.

4 Now also I'm going to reference
5 question number 7 and this is going to be a little
6 softball for you. Now they reference the
7 flush-mount antennas. Aren't flush-mount antennas
8 pretty much, you know, obsolete now as far as
9 being functional?

10 THE WITNESS (Paradis): The new
11 technologies that come about require us to have
12 specific spacing, and it's by frequency you have
13 your spatial diversity.

14 MR. LYNCH: I know how they
15 operate. My question is, are they really with all
16 the new technologies, all the frequencies, 700, is
17 it really worth, you know, using flush mount as
18 opposed to a full array of the antennas or T-arms?

19 I've noticed that some towers that
20 originally were flush mounted have now been, you
21 know, set up where they're full platforms now
22 instead of flush mount. So my question really is,
23 are they really obsolete?

24 THE WITNESS (Paradis): I would say
25 that they're not, but deploying them would cost

1 you -- it would cost you your transmission. So it
2 would be -- performance would go down and I don't
3 know why anybody would choose that if they had the
4 option.

5 For us, better matters and we would
6 go --

7 MR. LYNCH: But from a practical
8 business standpoint, you know, and to reach all
9 your customers with, you know, streaming and all
10 these new things that are coming out, you know, I
11 guess that's it, obviously. They're not really
12 practical anymore, just is a better term?

13 THE WITNESS (Paradis): I would say
14 yes, because the technologies that have advanced
15 us have been those that are going to use spatial
16 diversity to allow us to have more than one stream
17 of information that we can compare them.

18 And things come in much cleaner
19 that way and we don't have problems with dropping
20 calls because of that. So your quality is much,
21 much better and that's a big concern. So I would
22 steer towards quality rather than away from it.

23 MR. LYNCH: And you also state
24 within the application that you're just going to
25 be running on 700?

1 THE WITNESS (Paradis): Initially,
2 correct.

3 MR. LYNCH: But are you going to
4 set up the antenna array so that, you know, you
5 could go to 1900 or 1200 or 850 in the future? Or
6 would you come back and add them later if you
7 want?

8 THE WITNESS (Paradis): Initially
9 we would set it up for 3 bands, the 700, 1900 and
10 2100. And then we would then that consider what
11 850 is.

12 Like I mentioned before, 850 is
13 going to be going through some changes in the
14 future and we would know more of what to do with
15 what type of antenna, the license, the band and
16 how much we're going to get and what the band is
17 going to be.

18 So those are things that are still
19 yet developed. So to put something up there now
20 would not -- it would fill space, but it wouldn't
21 help us with our output.

22 MR. LYNCH: And question number 20,
23 they're asking about dropped calls. Now with the
24 new technology, especially stuff going to the
25 tablets and to the phones that are streaming, or

1 you know, if I wanted to watch the Giants Sunday.
2 I don't know why I would, but if I wanted to watch
3 the Giants on Sunday. You know, does that work as
4 a dropped call, whipping blanks out? Or is that
5 just a disruption in service of some type?

6 THE WITNESS (Paradis): Well, they
7 have different categories where you may have
8 something that can reconnect within a certain
9 amount of time, but you've lost possible quality
10 of that call. Or you couldn't connect anywhere
11 else and had to drop.

12 So it does an algorithm that it
13 goes through to find out if there's another tower
14 that it can latch onto. And it tries to reconnect
15 with the first tower it was on, and if it can't do
16 those things then it has nowhere to go and it has
17 to drop.

18 MR. LYNCH: Now there's a question
19 here, I forget where, on small cell sites that
20 you've been putting all over the place. Do they
21 need a base cell site to work off of? Or can
22 they, you know, be set up in a way that they can
23 stand alone?

24 THE WITNESS (Paradis): Currently
25 our design is moving forward so that we would like

1 to have all of our small cells and macro sites
2 talk to each other.

3 So we have to bring those all back
4 to a central location where they can then have
5 speed and accuracy on decision-making that say
6 where and when you're going to pick up that cell
7 tower or small cell, who's the best, what's --
8 what's the frequency that's being requested and so
9 on. But they have to all be clumped together in
10 order for us to do that.

11 So I would say that having an
12 independent small cell would be contrary to that
13 philosophy that we're moving to.

14 MR. LYNCH: That's what I was
15 thinking. I just wanted to verify that. Thank
16 you.

17 And now Mr. Libertine, how far are
18 you from Route 101, seeing that as someone who
19 drives back and forth to Providence all the time I
20 want to make sure I can get through all the time?

21 THE WITNESS (Libertine): As the
22 crow flies, Route 101 from the site itself is
23 about a mile and a quarter as it traverses east to
24 west, north of the site at its closest point.

25 MR. LYNCH: Is the fact that Route

1 101 -- or one of the only northern routes to get
2 to Providence?

3 THE WITNESS (Libertine): Right.

4 MR. LYNCH: I can see why this
5 would be an important cell site.

6 THE WITNESS (Libertine):

7 Absolutely. Yeah, if you're on
8 Route 6, as you know, there are a few towers
9 covering that, but 101 is pretty spotty.

10 MR. LYNCH: And I want to come to
11 the emergency generator for a second. And I see
12 there's kind of a new twist to this one, that the
13 battery backup -- I mean, the generator is going
14 to power the battery backup on the system and not
15 the cell tower. Can you explain that to me?

16 THE WITNESS (Befera): The
17 equipment that we use now doesn't actually -- it
18 doesn't require the same level of power that the
19 older equipment used to use. It's more efficient.
20 So we're able to use a smaller generator than we
21 have in the past to back it up.

22 Now the way that -- and it's a DC
23 generator. The equipment runs off of -- runs off
24 DC. It's cleaner, it's smoother and the equipment
25 is very sensitive. So the way that it's lined up

1 electrically and wired is that the generator in
2 the case of a power outage with a DC generator
3 after one minute of constant outage would kick in.
4 And where it would feed the backup supply power
5 would be to the line between the batteries and the
6 powerplant, and out of the powerplant is what
7 feeds the equipment.

8 So the batteries are always
9 charged, but to deliver that current clean with
10 the DC generator it goes between the connection
11 between the batteries and the powerplant, which in
12 turn convert it, which deliver the DC power to the
13 equipment itself.

14 It's not like a situation where the
15 batteries drain ever unless there's a generator
16 failure, and in the case of a power outage. I'm
17 not sure if I answered your question or not.

18 MR. LYNCH: Well, I think I
19 understand part of it, but I'm still confused
20 where you're actually powering the battery system.
21 Is that what you're saying, you know, to run the
22 cell site?

23 THE WITNESS (Befera): Well, in a
24 way, but the commercial AC comes into the
25 powerplant and the batteries are, like, are off as

1 a backup.

2 Now it's through the powerplant
3 that that AC is converted to the DC which is
4 delivered to the equipment. And the batteries,
5 between the battery and the powerplant you've got
6 it heading in both directions, which is why the DC
7 generator hooks into that.

8 MR. LYNCH: I think I can follow
9 you there, but on the maintenance schedule for the
10 emergency batteries I think you mentioned, like,
11 once a month or once a week they start it, you
12 know, and run it for 20 minutes or a half hour or
13 something.

14 But my question, you know, is there
15 a schedule for topping off and refueling that tank
16 so that in case, you know, hurricane Matthew came
17 up here, you know, would we be running to top of
18 that tank?

19 THE WITNESS (Befera): We do. We
20 do disaster recovery preparation in situations
21 like that where we maintain the fuel levels around
22 80 percent, typically.

23 MR. LYNCH: But let me go back. Is
24 there a routine normal schedule for going up and
25 checking what the volume is in that tank?

1 THE WITNESS (Befera): Yes. We
2 have -- we have maintenance programs for all of
3 our ancillary equipment, whether it be battery
4 maintenance or whether it be generator
5 maintenance.

6 MR. LYNCH: Now is the fuel in the
7 tank monitored on site, or is it monitored
8 remotely?

9 THE WITNESS (Befera): Remotely, or
10 of course on-site.

11 MR. LYNCH: Okay.

12 THE WITNESS (Befera): We have low
13 fuel alarms.

14 MR. LYNCH: Those are my questions,
15 Mr. Chairman.

16 THE CHAIRMAN: Thank you.

17 Mr. Hannon?

18 MR. BALDWIN: Thank you, Mr.
19 Chairman.

20 No, the only questions I really had
21 were answered on the field, and it was a
22 clarification on the wetlands which they started
23 with.

24 THE CHAIRMAN: Okay. Thank you.

25 Mr. Lu.

1 MR. LU: Thank you, Mr. Chairman.
2 I just have one question.

3 It's my understanding that Cellco
4 will be initially deploying at the 700 megahertz
5 band. I'm just wondering when the company
6 anticipates deploying the 1900 and 2100 megahertz
7 bands?

8 THE WITNESS (Paradis): At this
9 current time the cell site that I'm designing this
10 to help doesn't have an AWS carrier or PCS
11 carrier. So there is none of that in the area, so
12 700 is the only consideration that I'm looking at
13 right now. So that's the only thing we're doing
14 any projections on.

15 If we had AWS deployed at that
16 site, which we will at a later date, then we would
17 evaluate it and see if there was a need to offload
18 anything more. And if we couldn't do it with our
19 700 frequency we would then move into the other
20 frequency, probably in the order of AWS and NPCS.

21 MR. LU: Okay. Thank you.

22 That's all I have, Mr. Chairman.

23 THE CHAIRMAN: Okay. Just a couple
24 of things. One is just a minor thing, but on your
25 coverage maps in addition to having the correct

1 description of it, it would really help at least
2 me in trying to find the existing site if you
3 would use a symbol or a color of a symbol that
4 would stand out a little bit more than that
5 purple. Some of the other colors stand out a
6 little better. So I just would have saved some
7 time hunting for that.

8 Regarding I think the interesting
9 issue that Dr. Klemens raised about fire, my guess
10 is that you haven't had time, but you can correct
11 me if I'm wrong, to properly answer the question
12 now. But let me give you a couple of suggestions,
13 not suggested answers.

14 But I think first of all, I think
15 it is a good question particularly if dry
16 conditions, you know, continue. I'm sure that
17 Verizon has places, if not around here, but in the
18 West where that is of concern. So they must have,
19 you know, there must be ways that they deal with
20 it.

21 But my way of having the Siting
22 Council deal with this is if -- and I emphasize
23 if, if the Siting Council were to approve this
24 project -- of course if we were to deny it that's
25 the end of the discussion, but if we were to

1 approve it, I think in your D and M plan you could
2 provide information on how you might -- if you
3 agree that's an issue, how you might deal with
4 that. So that's the way I'd like to handle that.

5 Lastly, just a question and I don't
6 want to open up too much here, but on the issue of
7 batteries for backup, have you or are you
8 considering in the future using a battery, maybe
9 tying it into a small solar array and keeping the
10 batteries charged that way, maybe ultimately
11 reducing the amount of diesel fuel that's
12 necessary?

13 And if the answer is no, I think
14 that's something you might want to consider
15 something?

16 THE WITNESS (Befera): I'm not
17 aware of our innovative folks moving in that
18 direction. That doesn't mean that they aren't
19 looking into it. I would not know that.

20 I -- I'm not aware of any units
21 that operate in that fashion that the solar power
22 can provide the necessary power to keep a site
23 running. So I'm not aware of us moving in the
24 direction.

25 THE CHAIRMAN: Again, I don't want

1 to get it prolonged other than to say technology
2 both in the area of batteries and in the area of
3 solar is advancing, perhaps sometimes faster than
4 even our innovative people can deal with. So it
5 might be something to consider.

6 I don't know if there are any other
7 questions from any -- if not, we'll recess at this
8 point and we'll reconvene for the public session
9 at 7 p.m. Thank you.

10 (Whereupon, the witnesses were
11 excused and the above proceedings were concluded
12 at 4:01 p.m.)

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1 CERTIFICATE

2
3 I hereby certify that the foregoing 52 pages
4 are a complete and accurate computer-aided
5 transcription of my original verbatim notes taken
6 of the Siting Council Hearing in Re: Docket No.
7 469, APPLICATION FROM CELLCO PARTNERSHIP D/B/A
8 VERIZON FOR A CERTIFICATE OF ENVIRONMENTAL
9 COMPATIBILITY AND PUBLIC NEED FOR THE
10 CONSTRUCTION, MAINTENANCE, AND OPERATION OF A
11 TELECOMMUNICATIONS FACILITY LOCATED AT 520 BAILEY
12 HILL ROAD KILLINGLY, CONNECTICUT, which was held
13 before ROBIN STEIN, Chairman, at the Killingly
14 City Hall, Town Meeting Room, 172 Main Street,
15 Killingly, Connecticut, Thursday, October 6, 2016.

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Robert G. Dixon, CVR-M 857

Notary Public

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WITNESSES

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