

In The Matter Of:
STATE OF CONNECTICUT v.
CONNECTICUT SITING COUNCIL

Docket No. 485
May 30, 2019

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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 485

Application for a Certificate of Environmental
Compatibility and Public Need for the Construction,
Maintenance, and Operation of a Telecommunications
Facility at One of Two sites: 1542 Boston Post Road or
at the End of Kirtland Street, Westbrook, Connecticut

Regular Hearing held at the Theresa Mulvey
Municipal Center, 866 Boston Post Road, Westbrook,
Connecticut, Thursday, May 30, 2019, beginning at
3 p.m.

H e l d B e f o r e :

ROBERT SILVESTRI, THE HEARING OFFICER

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

2 C o u n c i l M e m b e r s :

3

4 R O B E R T H A N N O N ,

5 D E E P D e s i g n e e

6

7 L A R R Y L E V E S Q U E , E S Q .

8 P U R A D e s i g n e e

9

10 M I C H A E L H A R D E R

11 E D W A R D E D E L S O N

12 D A N I E L P . L Y N C H , J R .

13

14 C o u n c i l S t a f f :

15 M E L A N I E B A C H M A N , E S Q . ,

16 E x e c u t i v e D i r e c t o r a n d S t a f f A t t o r n e y

17

18 R O B E R T M E R C I E R ,

19 S i t i n g A n a l y s t

20

21

22

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

2 For CELLCO PARTNERSHIP and MCM HOLDINGS, LLC:

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5 14th Floor

6 White Plains, New York 10601

7 By: CHRISTOPHER B. FISHER, ESQ.

8 CFisher@cuddyfeder.com

9 914.761.1300

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1 THE HEARING OFFICER: Good afternoon,
2 ladies and gentlemen. This hearing is called to
3 order this Thursday May 30, 2019, at 3 p.m. My
4 name is Robert Silvestri, member and presiding
5 officer of the Connecticut Siting Council.

6 Other members of the Council are Robert
7 Hannon, designee for Commissioner Katie Dykes of
8 the Department of Energy and Environmental
9 Protection; Larry Levesque, designee for Chairman
10 Marissa Paslick Gillett of the Public Utilities
11 Regulatory Authority; Daniel P. Lynch, Jr.;
12 Michael Harder; and Edward Edelson.

13 Members of the staff are Melanie
14 Bachman, Executive Director and Staff Attorney;
15 and Robert Mercier, siting analyst.

16 This hearing is held pursuant to the
17 provisions of Title 16 of the Connecticut General
18 Statutes and of the Uniform Administrative
19 Procedure Act upon an application from MCM
20 Holdings, LLC, and Cellco partnership d/b/a
21 Verizon Wireless for a certificate of
22 environmental compatibility and public need for
23 the construction, maintenance and operations of a
24 telecommunications facility at either 1542 Boston
25 Post Road or at the end of Kirtland Street,

1 Westbrook, Connecticut. This application was
2 received by the Council on April 1, 2019.

3 As a reminder to all, off-the-record
4 communication with a member of the Council or a
5 member of the Council's staff upon the merits of
6 this application is prohibited by law.

7 The parties to the proceeding are as
8 follows. Applicants, MCM Holdings, LLC, and
9 Cellco partnership d/b/a Verizon Wireless. Their
10 representative Christopher E. Fisher, Esquire, of
11 Cuddy & Feder, LLP.

12 We will proceed in accordance with the
13 prepared agenda, copies of which are available
14 next to the post. Also available, there are
15 copies of the Council's citizen's guide to Siting
16 Council procedures.

17 At the end of this afternoon's
18 evidentiary session we will recess and resume
19 again at 6:30 p.m. for the public comment session.
20 The 6:30 p.m. public comment session will be
21 reserved for the public to make brief oral
22 statements into the record.

23 I wish to note that the applicants
24 including their representatives and witnesses are
25 not allowed to participate in the public comment

1 session. I also wish to note for those who are
2 here and for the benefit of your friends and
3 neighbors who are unable to join us for the public
4 comment session, that you or they may send written
5 comments to the Council within 30 days of the date
6 hereof, and such written statements will be given
7 the same weight as if spoken at the hearing.

8 A verbatim transcript will be made of
9 this hearing and deposited with the town clerk's
10 office in Westbrook for the convenience of the
11 public.

12 Is there any public official here at
13 this time that wishes to now make a public
14 statement?

15
16 (No response.)

17
18 THE HEARING OFFICER: Seeing and hearing
19 none, we will proceed.

20 I wish to call your attention to those
21 items shown on the hearing program marked as Roman
22 numeral 1D, items 1 through 71. Do the applicants
23 have an objection to the items that the Council
24 has administratively noticed?

25 MR. FISHER: No objection.

1 THE HEARING OFFICER: Thank you.

2 Accordingly, the Council hereby administratively
3 notices these existing documents, statements and
4 comments.

5 Will the applicant present their
6 witnesses for purposes of taking the oath?

7 MR. FISHER: Yes, good afternoon,
8 members of the Council and staff. Let me get a
9 little closer here. I'm Attorney Christopher
10 Fisher with the firm of Cuddy & Feder here on
11 behalf of the applicants, MCM Holdings, LLC, and
12 Cellco Partnership doing business as Verizon
13 Wireless.

14 We have five witnesses this afternoon.
15 They're listed in the hearing program. Robert
16 Stanford to my left, Jamie Laredo also to my left,
17 Mr. Michael Libertine, Dean Gustafson and Robert
18 Burns.

19 And I would ask they would be sworn.

20 THE HEARING OFFICER: If the witnesses
21 could rise, the Council Staff Attorney will
22 administer the oath?

23

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1 R O B E R T B U R N S ,
2 M I C H A E L L I B E R T I N E ,
3 D E A N G U S T A F S O N ,
4 J A M E S L A R E D O ,
5 R O B E R T S T A N F O R D ,

6 called as witnesses, being first duly
7 sworn by the Executive Director, were
8 examined and testified on their oaths as
9 follows:

10

11 THE HEARING OFFICER: Attorney Fisher,
12 could you please begin by numbering exhibits of
13 the filings you have made in this matter and
14 making requests to administratively notice these
15 existing documents, and verifying all exhibits by
16 the appropriate sworn witnesses?

17 MR. FISHER: Thank you. Yes, we have no
18 items for administrative notice. Under Roman
19 numeral 2B we have six items that we have provided
20 to the Council and intend to introduce as
21 evidence. They're listed as item B1, which is the
22 application with several exhibits, which was
23 received by the Council on April 1, 2019, along
24 with bulk filed exhibits.

25 Item number two are the applicant's

1 responses to Council interrogatories dated May 13,
2 2019. Item three, the applicant's sign posting
3 affidavit dated May 15, 2019.

4 Additionally under item four we included
5 resumes which were received by the Council on
6 May 22, 2019, from each of the witnesses just
7 sworn. Additionally under item 5 the applicant's
8 notification pursuant to 16-50L, subsection E of
9 the Connecticut General Statutes which is dated
10 May 22, 2019.

11 And then finally an applicant's
12 supplemental submission which included
13 correspondence from T-Mobile and AT&T in support
14 of the application, which was dated May 22, 2019.

15 Subject to the Council accepting those
16 for verification I'll ask the witnesses to swear
17 to the their accuracy at this time.

18 For each of the witnesses if you would
19 please identify, did you prepare and assist in the
20 preparation of the exhibits item B1 through 6 that
21 I just identified for the Council?

22 THE WITNESS (Laredo): Yes, I do.

23 THE WITNESS (Stanford): Robert
24 Stanford, MCM Holdings. Yes, I did.

25 THE WITNESS (Gustafson): Dean

1 Gustafson, yes.

2 THE WITNESS (Libertine): Mike

3 Libertine, yes.

4 THE WITNESS (Burns): Robert Burns, yes.

5 MR. FISHER: And in reviewing and
6 preparing for your testimony here today were there
7 any corrections or modifications to the items so
8 listed in the hearing program?

9 THE WITNESS (Burns): Yes, I have one.
10 Under tab 4 of the application, item 2B, the lease
11 area, slash, compound area should be 6,405 square
12 feet as opposed to 6355. No other changes.

13 THE WITNESS (Libertine): I have no
14 changes at this time.

15 THE WITNESS (Gustafson): Dean
16 Gustafson, no corrections.

17 THE WITNESS (Stanford): Robert
18 Stanford, no changes.

19 THE WITNESS (Laredo): Jamie Laredo, no
20 changes.

21 MR. FISHER: And with those corrections
22 and modifications are they true and accurate to
23 the best of your belief?

24 THE WITNESS (Burns): Yes.

25 THE WITNESS (Libertine): Mike

1 Libertine, yes.

2 THE WITNESS (Gustafson): Dean
3 Gustafson, yes.

4 THE WITNESS (Stanford): Robert
5 Stanford, yes.

6 THE WITNESS (Laredo): Jamie Laredo,
7 yes.

8 MR. FISHER: And do you adopt them as
9 your direct testimony here this afternoon?

10 THE WITNESS (Burns): Robert Burns, yes.

11 THE WITNESS (Libertine): Mike
12 Libertine, yes.

13 THE WITNESS (Gustafson): Dean
14 Gustafson, yes.

15 THE WITNESS (Stanford): Robert
16 Stanford, yes.

17 THE WITNESS (Laredo): Jamie Laredo,
18 yes.

19 MR. FISHER: I would ask that the
20 documents be entered into evidence at this time.

21 THE HEARING OFFICER: Accordingly the
22 exhibits are admitted. Thank you.

23 We will now begin with cross-examination
24 of the applicants by Mr. Mercier.

25 MR. MERCIER: Thank you. I'll just

1 begin with the field review today, some of the
2 items that were discussed out in the field, just
3 to get them in the record or some observations I
4 made or others made about the two sites.

5 Regarding site A which is the 1542
6 Boston Post Road site -- that's where we began
7 today. I understand the new tower that's proposed
8 will be put more in the interior of the existing
9 compound and then the temporary tower removed.
10 But there's an extension of the fence that kind of
11 goes towards Boston Post Road that surrounds the
12 temporary tower.

13 I was wondering if that fence line is
14 going to be removed? Or is that going to stay in
15 place and kind of, you know, a uniform length
16 across that side which is the south side?

17 THE WITNESS (Stanford): Robert
18 Stanford, MCM -- oh, I'm sorry. Robert Stanford,
19 MCM. I'll take that one. Bob Burns may want to
20 add to my answer.

21 The jut in the fence is surrounding the
22 existing AT&T equipment, and as is designed right
23 now it would remain wrapping around that fence.
24 And the tower centerline will be the center of
25 that compound right where the balloon is.

1 MR. MERCIER: Okay. Thank you. Looking
2 at the plans there was a lot of different lines
3 and features on the plan including the old water
4 tank.

5 Is the existing fence as it is now in
6 the field staying the same? Or is there going to
7 be a future extension to accommodate the new
8 facility?

9 THE WITNESS (Stanford): The plan is for
10 it to remain the same. There's actually more than
11 enough space as is, and the carrier agreement is
12 to remain exactly where it is on candidate A.

13 MR. MERCIER: If that site was approved
14 and the new tower brought in and the existing
15 tower removed, there were a few trees out front,
16 maybe four or five. Are those, any of those
17 scheduled for removal --

18 THE WITNESS (Stanford): Nothing that
19 would be --

20 MR. MERCIER: -- along the roadway?

21 THE WITNESS (Stanford): I'm sorry. No,
22 there will be no further tree removal at candidate
23 A.

24 MR. MERCIER: Is there a type of
25 landscaping proposed along the side of the fence

1 that's facing the road, Boston Post Road?

2 THE WITNESS (Stanford): I'm sure that
3 will be addressed at D and M, but at this stage of
4 the plan -- Bob are the plantings designed?

5 THE WITNESS (Burns): No. No, there's
6 no proposed landscaping at this point proposed on
7 that site.

8 MR. MERCIER: I noticed on page 2 it
9 said, may be -- may be screening. On the
10 application I wasn't really sure what that meant.
11 So there will be no objection to put some in if it
12 was deemed beneficial to screen it from the road?

13 THE WITNESS (Burns): Correct, no
14 objection.

15 MR. MERCIER: Okay. If that site A was
16 approved and the tower is constructed and it's
17 rendered ready for use by the telecommunications
18 carriers that are on the temporary tower, what is
19 the exact timeline to get functioning carrier
20 equipment on the monopole and remove the temporary
21 tower?

22 I guess my question is, is the existing
23 equipment off the temporary tower going to be
24 removed and relocated to the new tower, or is all
25 new equipment going to be placed?

1 THE WITNESS (Stanford): That is the
2 plan. I don't know individually if the carriers
3 do plan on purchasing brand-new equipment for that
4 tower.

5 In any case, that would be coordinated
6 so that there would be no downtime in coverage, or
7 very limited. If they were to use the equipment
8 that's on the temporary tower now then the outage
9 would be for an amount of hours, not days.

10 MR. MERCIER: And I guess for the Town's
11 equipment, I think the Town of Old Saybrook is at
12 the top?

13 THE WITNESS (Stanford): Correct.

14 MR. MERCIER: Is that an easy relocation
15 to remove the existing equipment there and
16 transfer it immediately to the new tower so
17 there's no interruption in their emergency?

18 THE WITNESS (Stanford): No interruption
19 to emergency services, and MCM Holdings is -- is
20 paying for that relocation. We move them from the
21 water tank onto the temporary tower, and we will
22 move them from the temporary to whichever is --

23 MR. MERCIER: Is that like a few hours?
24 A whole day? I'm just going to try to get a sense
25 of it.

1 THE WITNESS (Stanford): Hours.

2 MR. MERCIER: Thank you. Just out of
3 curiosity, do you know if the Town's equipment has
4 their own emergency power source, a battery or if
5 anything of that nature?

6 THE WITNESS (Stanford): The Town does
7 not have their own emergency backup power.

8 MR. MERCIER: And I assume -- I'm not
9 sure if you know. We talked about in the field
10 that Cellco has an existing generator in the
11 facility. Do you know if the other carriers that
12 have the existing cabinets and shelters there, do
13 they have emergency power also, their individual
14 units?

15 THE WITNESS (Stanford): Neither of the
16 other two carriers, AT&T nor T-Mobile currently
17 have existing backup power on site.

18 THE HEARING OFFICER: If I could
19 interject for a second? When you say, backup
20 power, are you referring to generator power,
21 battery power, or both?

22 THE WITNESS (Stanford): They have
23 battery backup. I'm sorry. For clarification
24 they do have battery backup. It would not last
25 through a storm. It gets them through a blip, but

1 they do not have on-site generators.

2 MR. LYNCH: Mr. Chairman?

3 THE HEARING OFFICER: Yes, Mr. Lynch?

4 MR. LYNCH: If a generator is used --
5 I'm a little confused, because you have in the
6 application a diesel generator referred to, and
7 then in the interrogatories you said if you have a
8 proposed generator it would be propane.

9 Which fuel are you using -- will be
10 used?

11 THE WITNESS (Burns): I think the --
12 this is Robert Burns. The current generator
13 within the Verizon shelter is a diesel generator.
14 With the compounds being the size they are, a
15 propane generator could be used in theirs for a
16 tank.

17 I do not know if there's a restriction
18 in terms of using diesel, and I don't know if
19 there's a plan in place for, you know, what the
20 fuel source is, but it certainly could be either
21 one.

22 MR. LYNCH: If propane is used would
23 that tank have to be stored outside of the, in
24 Verizon's case, their shelter?

25 THE WITNESS (Burns): If Verizon were to

1 switch to propane and put a new generator in
2 there, yes, their tank would have to be outside
3 their shelter.

4 MR. LYNCH: Thank you.

5 THE HEARING OFFICER: Thank you, Mr.
6 Lynch.

7 Mr. Mercier, please continue.

8 MR. MERCIER: Thank you. Now for the
9 field review we hopped over to Kirtland Street and
10 we talked about the property lines.

11 Could you just clarify some of the
12 things you said that -- as to how the Kirtland
13 Street site is composed? Is it two parcels? Is
14 it a private road? Is it a public road? We
15 talked about those things. Just please elaborate?

16 THE WITNESS (Stanford): Yes, for
17 clarification in the field Mr. Harder brought to
18 our attention that it was unclear in the
19 application as to candidates that are referred to
20 as numbers two and six in our alternates, where
21 that -- where the proposed alternate was to lie.

22 And the original location for that
23 alternate site was entirely on parcel 6, which is
24 map 182, lot 3, in the Town's records. Lot
25 number two is Kirtland Street. It's the -- it's

1 the lot that comprises Kirtland Street and comes
2 all the way out to US-1.

3 The original plan was for the candidate
4 B to be entirely on six, with utilities and telco
5 coming in through lot two.

6 MR. MERCIER: Just to interject, you're
7 on tab two of the application. Is that correct?

8 THE WITNESS (Stanford): I'm sorry.
9 Yes, tab two. The way that it's currently
10 designed we were asked to slide our compound
11 further over to the west so that now the entire
12 compound does not fit entirely on lot -- on parcel
13 two, or the second candidate. So it straddles the
14 line between what's marked as candidates two and
15 six in tab two.

16 MR. MERCIER: And what was the reason
17 why they wanted you to move in closer to the west
18 property line?

19 THE WITNESS (Stanford): The property is
20 owned by the Dattilo Family Trust who owns, it
21 looks like eleven of the properties that we
22 examined. Most of the candidates that we looked
23 at we could not compromise their current use or
24 their future plan of development on any of those
25 sites.

1 And they do have current plans for a
2 condo development on parcel six and they had --
3 they had contemplated combining some lot lines.
4 Those are not complete yet through the Town of
5 Westbrook, but they asked that we slide -- we
6 accommodate them by moving our compound as far to
7 that western, northwestern corner as possible.
8 And that's why it's where it is today, as
9 redesigned.

10 MR. MERCIER: Okay. Thank you.

11 I notice on the site plan and while we
12 were out in the field today that the west property
13 line -- I think it's a residential use, the
14 compound fence is about five feet from the actual
15 property line.

16 Are you clearing up to the property line
17 moving all those trees along that property line?

18 THE WITNESS (Burns): More than likely
19 yes. I mean, the stone wall that's there will
20 stay, but in order to get in and around there --
21 there's not many trees within that five foot.
22 Most of the trees are inside the compound, but it
23 would have to be cleared in order to put in the
24 installation.

25 It's five feet from the west property

1 line and it's also five feet from the north
2 property line.

3 MR. MERCIER: And the same with the
4 north, you would have to -- pretty much up to
5 the --

6 THE WITNESS (Burns): Yeah, the north
7 property line kind of angles out. So part of that
8 will -- but it will get to the point where, you
9 know, the existing vegetation could stay as it
10 gets further away from the compound.

11 MR. MERCIER: And part of that
12 vegetation, not only was it the larger trees you
13 marked -- I think you said ten in the application,
14 but there's lower understory shrubs and things of
15 that nature?

16 THE WITNESS (Burns): Yes, that's
17 correct.

18 MR. MERCIER: That kind of shield views
19 into the property from adjacent sites?

20 THE WITNESS (Burns): Correct.

21 MR. MERCIER: Thank you.

22 Now assuming one of the two sites was
23 approved, would the tower and a foundation be
24 constructed to support any type of extension
25 either 10, 20, 30 feet?

1 THE WITNESS (Stanford): I'll take that.
2 Yes, it -- that would be the plan, is to make it
3 expandable from the outset. If built to what
4 approved then leave it expandable for future.

5 MR. MERCIER: Okay. But what interval,
6 height interval? 20 feet extension or 30, or I'm
7 just curious what you designated?

8 THE WITNESS (Burns): At this point I
9 don't think that's been designated. I mean,
10 typically they design them for an additional
11 20 feet, but it is only 130-foot pole. So -- but
12 usually about 20 feet.

13 MR. MERCIER: Thank you. Now that we're
14 still talking about the field review, and I guess
15 Mr. Libertine or others, can you talk about the
16 balloon fly that occurred today please?

17 THE WITNESS (Libertine): Certainly.
18 Counsel had requested the sites to be flown from
19 8 a.m. to 6 p.m., which we will maintain the
20 balloons at their respective locations until 6.
21 They were actually up at about seven o'clock this
22 morning, and we had a very good day in terms of
23 wins. It is overcast but visibility is still
24 pretty well -- pretty good in terms of being able
25 to see it certainly in the area. And we've really

1 had no disruptions at all.

2 Those are the original balloons that
3 have been up since seven o'clock this morning, and
4 those are at the 130-foot -- they're tethered to
5 130 feet. It's about a four-point balloon on top.
6 So the top height of the balloon is about
7 130 feet -- 34 feet above ground level at each of
8 those locations.

9 MR. MERCIER: Was the same color used or
10 was there --

11 THE WITNESS (Libertine): Oh, I'm sorry.
12 Yeah. We didn't distinguish between the two
13 sites. Site A is marked with a yellow balloon,
14 and a yellow balloon marks the site B.

15 MR. MERCIER: Thank you.

16 THE WITNESS (Libertine): You're
17 welcome.

18 MR. MERCIER: Let's see here. As you
19 were consulting with the Town and the property
20 owners of the two sites for both, both options,
21 was there any suggestion by the Town or the
22 property owners themselves of maybe doing any type
23 of stealth application here? Or painting the
24 tower if it was a monopole?

25 THE WITNESS (Libertine): To the best of

1 my knowledge there's not been anything raised at
2 the town level or neighbors coming out asking for
3 any type of camouflaging. My -- just my own
4 opinion is that this is a site that is in
5 essentially -- well, certainly site A is primarily
6 along a commercial stretch. It's had
7 infrastructure on the site for decades. We have
8 the temporary tower there which is about 33 feet
9 taller than what we're proposing.

10 So at either location I don't believe
11 doing any type of camouflages is going to be a
12 great benefit. The overall visibilities between
13 the sites are -- they're somewhat consistent or
14 comparable in the sense that the near views are
15 just that.

16 Really you have to be on top of the site
17 to see it, but as you move away at distance, as is
18 evidenced in some of the photo simulations that
19 we've provided -- and I'm talking about a mile and
20 a half out or more.

21 That's when you start to see a
22 protrusion above the treeline of the towers, but
23 it's at such a distance, it's such a small item on
24 the landscape at those distances that I don't
25 think it really is what I'd call a focal point.

1 So again, I don't see a need for having to do any
2 type of camouflaging.

3 MR. MERCIER: Now regarding the near
4 views you just talk about, I mean, looking at, you
5 know, the application tab two, you know, the
6 blowup of some of the parcels you looked at, the
7 surrounding residences.

8 Would the near views -- for both sides
9 really, what would people see? This, the tops?
10 Are they going to see the body through the tree?
11 Are they going to see the whole structure?

12 THE WITNESS (Libertine): Well, at both
13 locations -- well, I'll start with site A because
14 there, there are some unique characteristics that
15 differentiate the two. Our site along Boston Post
16 Road, site A is right on top of the road
17 essentially. And again, it's mostly commercial in
18 nature.

19 There are residences to the north, but
20 for the most part the views are somewhat limited
21 to the transportation corridor. So you may have
22 noticed if you came in from the east and were
23 traveling west the temporary tower was visible for
24 a good stretch of road, probably as you got within
25 three quarters of a mile of the site. The balloon

1 was not.

2 And so the distinction here is that
3 because of that lower height you really don't have
4 a lot of views as you're moving westbound on
5 route -- Route 1. And so the near views are going
6 to be somewhat muted at this time of year, because
7 we do have a fairly robust vegetation around it.
8 But when leaves are off the trees that obviously
9 expands a bit.

10 But I would say in general the near
11 views of site A would be substantially the most of
12 the monopole. Where we're on site B because it's
13 buried a little bit, although that's going to be
14 opened up if we were to build there because those
15 trees have to go. That is more -- I would say
16 more residential in nature, because it is
17 surrounded by single-family homes.

18 And so I think there, there would be an
19 opportunity this time of year. You would be
20 probably looking at more or less just the top of
21 the tower, but when the leaves came off the trees
22 that site opens up quite a bit. And so those
23 neighbors would be looking directly into the
24 compound and the entire facility itself.

25 Did that fully answer the question for

1 you?

2 MR. MERCIER: It does. Thank you.

3 THE WITNESS (Libertine): You're
4 welcome.

5 MR. MERCIER: Application page 23, 24
6 mentioned a public information hearing that was
7 attended by some residents, nearby residents. I
8 was wondering what were their concerns expressed,
9 if any, if anybody was at that meeting and if you
10 can tell me a little bit about what was discussed?

11 THE WITNESS (Stanford): Yeah, the
12 public information hearing that was held here in
13 this room had one or two residents from Kirtland
14 Street who expressed some concern over candidate
15 B, and in support of the replacement site going on
16 the Connecticut Water facility.

17 And that was really pretty much the only
18 commentary we got that night.

19 MR. MERCIER: Do you remember the
20 turnout of how many folks attended?

21 THE WITNESS (Stanford): Yeah, somewhere
22 in the neighborhood of 30 to 40, maybe 35 people.

23 MR. MERCIER: And if site B was selected
24 if this application was approved would
25 construction traffic, or construction at all

1 affect resident access to the houses along
2 Kirtland that need that?

3 THE WITNESS (Stanford): It would. It
4 would actually during the construction phase. We
5 would have to notify the residents along Kirtland
6 Street of that schedule as it went.

7 So for instance, for weather delays and
8 for coordination of materials we would have to --
9 as we saw in the field, one of the residents
10 parked several cars right in what would become the
11 access way. So we would have to coordinate with
12 them to have those either temporarily relocated or
13 permanently -- permanently relocated if they
14 were -- or at least designated where they couldn't
15 park cars as they do today.

16 MR. MERCIER: Okay. Thank you. I have
17 no other questions at this time.

18 THE HEARING OFFICER: Thank you
19 Mr. Mercier. We'll continue with Mr. Levesque.

20 MR. LEVESQUE: You said the fencing with
21 the barbed wire on the top for the temporary
22 tower -- do you keep all of it? Are you going to
23 take some of the fencing down for the cranes and
24 trucks to take away the temporary? Could you move
25 the fence line back to where that's full of

1 equipment?

2 THE WITNESS (Stanford): Yes. Yes.
3 Again Rob Stanford. The current fence line was
4 surrounding the former compound for the water
5 tank. So that's -- that's why the perimeters of
6 that fence line right now was -- it was to prevent
7 access to the water tank and anyone from climbing
8 that.

9 So yes, we could accommodate that
10 request if it were to reduce the size of the
11 fenced in area. It would not change the leased
12 area. It would just change the fenced in area of
13 the compound. And yes, we could do that.

14 MR. LEVESQUE: Less to maintain and less
15 visibility. See what you can do. And then on the
16 application attachment three -- why don't you just
17 clarify for the record that that last map in that
18 attachment three doesn't have a label and doesn't
19 say what the colors are for?

20 I think I know what they're for, but why
21 don't you state what they are?

22 THE WITNESS (Gustafson): Yeah, and that
23 was addressed in the applicant's response to the
24 interrogatories. We resubmitted the full map that
25 includes the legend to show the different types of

1 farmland soils.

2 MR. LEVESQUE: And identified the blue
3 and the green, what they are?

4 THE WITNESS (Gustafson): Yeah. So
5 the -- the blue represents prime farmland soils
6 and the green is statewide important farmland
7 soils.

8 MR. LEVESQUE: Okay. Thank you very
9 much.

10 THE WITNESS (Gustafson): You're
11 welcome.

12 THE HEARING OFFICER: Thank you,
13 Mr. Levesque. We'll go to Mr. Edelson.

14 MR. EDELSON: Regarding the temporary
15 tower, are you aware of any complaints that have
16 been lodged with the Town as far as the temporary
17 tower and its visibility?

18 THE WITNESS (Libertine): I can't --
19 I -- I'm not aware of anything from any of the
20 neighbors or the Town, but I will opine on the
21 fact that we've been working with the State
22 Historic Preservation Office.

23 As you know, the tower, if and when a
24 site is selected will have to go through the NEPA
25 process. And because we had two candidates in

1 this case I felt as though it was beneficial to
2 present to the Council, try to get a feel for what
3 the consensus was before we went forward in trying
4 to clear the site.

5 As part of that whole process, the -- I
6 did have an opportunity to speak to them about the
7 temporary tower, because I wanted them to know
8 that, look. Even though it doesn't fall under the
9 NEPA regulations the temporary tower was going to
10 go up and was going to be fairly tall. So we had
11 that discussion.

12 They knew that it was temporary in
13 nature. So they did not have a real concern with
14 it. And we have been, as I say, consulting for
15 the better part of a year on these two locations
16 and I spoke to the SHPO this week. I have
17 provided them with the photo simulations that we
18 had done both with the leaves on the trees, which
19 is in the full application. And then it's the
20 supplemental submission with the leaves off the
21 trees so they could get a sense.

22 We also fit some information that was
23 not presented to the Council, but was specific for
24 SHPO. There is an historic district about a half
25 mile west of these sites. And so we took a fairly

1 comprehensive amount of photos and provided
2 simulations within the district as well for these
3 permanent solutions and asked for their opinion.
4 And the consensus at the SHPO's office was that
5 the site A was the more preferable site.

6 MR. EDELSON: So usually, you know, I
7 think in terms of capacity and coverage higher is
8 better, but you are lowering it from -- now I
9 can't remember the number -- 176 down to 130?

10 THE WITNESS (Libertine): Right. And
11 that, that's only because the tank was still --
12 the water tank was still at the site. And so for
13 the coverage objectives to be met on the temporary
14 tower we actually had to go above it to get away
15 from any interference problems primarily to the
16 West.

17 So that, that's the reason why we were
18 taller than the tank, because the carriers were
19 able to meet their objectives on the water tank.
20 And so we're at kind of that comparable height
21 now. That's why we're at the 130 feet.

22 MR. EDELSON: Okay. I don't know if it
23 was like a standard temporary tower that only
24 comes in certain sizes, and that was what it was,
25 but obviously it was --

1 THE WITNESS (Libertine): No, you can
2 pretty much -- it's just ordering the steel.

3 MR. EDELSON: Right. I was curious, you
4 know, on the fencing between site A and site B.
5 One is a six-foot chain link and the other is
6 eight-foot chain link. And I'm just kind of
7 curious. They don't seem to be like ones in a
8 high-crime area, and the other is in a low-crime
9 area, and so it was distinction. And I
10 couldn't -- I'm curious. Why?

11 THE WITNESS (Burns): Site A will be the
12 existing fence that's out there, which is six feet
13 with barbed wire on top. Site B will be new
14 chain-link fence, which is proposed to be an
15 eight-foot high chain-link fence.

16 MR. EDELSON: So are you saying
17 effectively they're both at eight feet once you
18 include the barbed wire?

19 THE WITNESS (Burns): With the barbed
20 wire it's pretty close, yes.

21 MR. EDELSON: Okay. Or that they have
22 the same deterrents?

23 THE WITNESS (Burns): Correct.

24 MR. EDELSON: Okay. So I might have
25 misunderstood when we were in the field about site

1 B, but I thought I heard you say, no generator for
2 site B. But on our little cheat sheet here it
3 says, diesel generator proposed. So do we have
4 that?

5 And I thought there was conversation
6 about the generator. So can you clarify, site B,
7 if you were to be approved for that would there be
8 a diesel generator on site?

9 THE WITNESS (Burns): The way the
10 application is right now there's no generators
11 proposed, new generators proposed at either
12 location. And I don't know about future shared
13 generator. I know it's been discussed, but the
14 way the application is there's no -- no new
15 generators at either location.

16 MR. EDELSON: Okay. So I guess that --
17 I'm not sure where the proposed one came, but --

18 MR. MERCIER: If I could just interject?
19 But there could be batteries, though, for their
20 equipment. Is that right? So they still might
21 have emergency power, but in a battery form?

22 THE WITNESS (Burns): That's correct.

23 MR. MERCIER: All right. Thank you.
24 For both sites.

25 MR. EDELSON: I didn't jump in before,

1 but is there natural gas going along the Post
2 Road, or an excess? We were talking about
3 propane, but I think our preferred alternative for
4 backup power is natural gas where delivery is not
5 an issue.

6 THE WITNESS (Burns): I don't know the
7 answer to that offhand. We -- we certainly can
8 find it out and get back to you.

9 MR. EDELSON: I mean, it seemed to me as
10 I read site A, in terms of site work there's not
11 much to be done because you're really working with
12 an existing site that's been prepared. And I was
13 surprised by the letter that was given to us when
14 we walked in here, from wetlands saying they
15 wanted silt fencing.

16 So maybe I missed it, but is there going
17 to be a significant amount of earth movement going
18 on?

19 THE WITNESS (Burns): Well, they are
20 going to have to put the tower foundation in
21 which, you know, is anywhere from 25-foot squared
22 to 30-foot square, 4 to 6 feet in the ground. So
23 they will have to excavate out to be able to pour
24 the concrete foundation. Then they come up with a
25 pier and put the tower on top of it.

1 And then in addition they're also going
2 to be putting in new ice bridges, which will have
3 Sonotubes. So due to the fact that those wetlands
4 are so close to the existing compound we felt that
5 putting a silt fence there, while it may be belt
6 and suspenders, it's better than not having it
7 there.

8 MR. EDELSON: I think I misunderstood.
9 I thought you were using the existing pad, but you
10 will move. The pad that we saw, the concrete pad
11 we saw there from the tower -- I'm sorry, from the
12 water tank, that's going to be removed?

13 THE WITNESS (Burns): It's my
14 understanding that it's already gone.

15 MR. EDELSON: Oh, I thought we saw a pad
16 out there?

17 THE WITNESS (Stanford): The water tank
18 was on piers, and those have been removed below
19 grade. They're no longer there.

20 MR. EDELSON: I also thought when we
21 were out there at site A that someone said the
22 abutting owner to the east was the police
23 department, but on the map that's not what it
24 shows. Did I misunderstand about the police being
25 an abutting owner?

1 THE WITNESS (Stanford): Yeah, I think
2 that in the field someone pointed out where the
3 Old Saybrook Police Department's equipment is on
4 the compound that exists now.

5 MR. EDELSON: It's just their equipment
6 for emergency care communications?

7 THE WITNESS (Stanford): Correct, and
8 it's on -- it's in the existing compound.

9 MR. EDELSON: I don't know if we're, you
10 know, we hear a lot about 5G and I'm wondering if
11 Verizon has any comments about how this tower fits
12 into their plans for providing 5G in the area.
13 Has that been considered as part of this
14 application?

15 THE WITNESS (Laredo): Jamie Laredo.
16 Currently we don't have any plan to deploy any 5G
17 equipment for this tower.

18 MR. EDELSON: So it's not part of any
19 future plan of how to implement that?

20 THE WITNESS (Laredo): I can confirm
21 that it will not be part of any near future plan.

22 MR. EDELSON: Okay. And just on the
23 visibility. Okay? I'm always amazed at how these
24 pictures come out, but I would like to just point
25 out the photo for number nine of the existing, it

1 really is kind of interesting to see how dominant
2 the utility company poles are. And it's pretty
3 hard to find the telecommunication tower in that
4 photo.

5 But I think what I wanted help with,
6 because maybe my eyes are not just good enough
7 anymore, but photo 14 -- and it's hard to do it
8 here, but maybe we can do it after the session,
9 but I can't find either one of the proposed towers
10 in the picture.

11 So I know you're saying it's visible,
12 but I'm just not able to discern it.

13 THE WITNESS (Libertine): Yeah. There,
14 it's a struggle there. You know, we've -- well,
15 let me ask you a question first. There's a little
16 bit of a back story to this because we have been
17 kind of reviewing how we've been doing those.

18 They are barely visible. If you look at
19 the existing photo where we are pointing out the
20 yellow and red balloons, and then flip -- you can
21 barely see that they just eclipse the trees. And
22 they're at such a distance. I mean, we're over
23 half a mile away and it just makes it very
24 difficult that they're not actually called out.

25 But if you noticed a yellow balloon and

1 then flip to candidate A, it is just above the
2 roofline. It -- but it's -- it is just so, as I
3 say, we're really talking about all of six, seven
4 feet or so actually above the roof. So it's a
5 very small component that would be just like the,
6 you know, the very top array. They are in there.

7 The other problem is that, you know,
8 these are on eight and a half by eleven piece of
9 paper. If it was on a screen with good resolution
10 you'd be able -- it would pop out a little bit
11 more for you.

12 MR. EDELSON: Better when we break you
13 can point it out.

14 THE WITNESS (Libertine): I can
15 certainly do that, yeah.

16 MR. EDELSON: Okay. Thank you. That's
17 all for me, Mr. Chairman.

18 THE HEARING OFFICER: Thank you, Mr.
19 Edelson. We will continue with Mr. Hannon.

20 MR. HANNON: Thank you. I do have a
21 couple of questions. I would like to get it on
22 the record, sort of the explanation as to, I guess
23 that lot that Kirtland Street is. So can we
24 please explain that for the record, because I'm
25 having a little bit of trouble with that in that I

1 don't know what the zoning is?

2 I don't know what the lot requirements
3 would be. If it's an existing lot of record it
4 may be a nonconforming lot. So I'm just trying to
5 get my head around what it is that's out there on
6 Kirtland Street?

7 THE WITNESS (Stanford): I can take a
8 shot at explaining that. The town assessor
9 actually originally thought that that was a town
10 road. So when we were contemplating crossing or
11 accessing the back lot, candidate number six in
12 tab two, that was the only purpose for that lot as
13 we were coming up Kirtland Street.

14 It was determined at that point that
15 that's not a road at all. It's not a town road.
16 It's a private way. Four residences along
17 Kirtland Street have access easement over that
18 Kirtland Street. There is a town sign which makes
19 it confusing. The Town did put a sign up there
20 that makes it look like a town road, but that's
21 actually a privately owned lot on the maps. It's
22 map 182, lot number 3.

23 MR. HANNON: Okay. So my guess is that
24 it doesn't comply with any of the zoning
25 requirements. So in some respects I think what

1 was also mentioned is that there's currently a
2 plan to combine that what you're saying is a lot
3 with the abutting parcel which is all under the
4 same ownership because of an additional plan that
5 they have going on in that area?

6 THE WITNESS (Stanford): That's correct.
7 Lots 182 -- map 182, lot 3; and map 182, lot 122,
8 which is candidate 6 on our -- tab 2 of the
9 application. The intention by the Dattilo Family
10 Trust is to combine the lots, and they have a
11 future plan of development for condominiums.

12 MR. HANNON: And assuming lot B -- or
13 I'm sorry, parcel B, site B was the one that was
14 selected. How does the location here impact what
15 the people doing the condos are -- or will that
16 have an adverse impact on access to the site? Do
17 they have another way of doing it?

18 THE WITNESS (Stanford): I don't believe
19 so. I don't think it alters, and I think that's
20 part and parcel of why we were asked to slide to
21 the corner of the lot that we did, because there
22 may be an opportunity for entrance and egress from
23 Maple Ridge which is the street parallel to US-1
24 behind there.

25 Those houses that we see in the field

1 are on Maple Ridge. So I don't know if they've
2 got access from that backside in, or either way if
3 they come in through Kirtland Street, it's --
4 they're unimpeded to their future plan of
5 development.

6 MR. HANNON: Okay. I guess another
7 thing from a safety perspective. If this goes
8 forward and site A is selected and site B is not,
9 this conceivably could work as an emergency access
10 also to the condo project. So that may be
11 something else to take into consideration.

12 I don't have anything else.

13 THE HEARING OFFICER: Thank you,
14 Mr. Hannon.

15 Mr. Harder?

16 MR. HARDER: Yes. Thank you,
17 Mr. Chairman.

18 I guess just to beat the Kirtland site
19 to death one more time. I know we talked about
20 this out in the field, and you have indicated that
21 should site B be chosen the tower would straddle
22 the line between lot two and lot six.

23 So would there be a lease, or is there a
24 lease that would cover that on both so that the
25 property lines wouldn't be redrawn?

1 THE WITNESS (Stanford): Yes, there
2 already is. There's -- there's an existing lease
3 in place with the Dattilo Family Trust and it
4 spells out three lots as a matter of fact that
5 are -- that are back there. So the exhibit
6 shows -- the lease exhibit shows the compound as
7 it's drawn today straddling the lot line. The
8 tower would be on lot 182, lot 3, and the compound
9 would expand onto lot 122.

10 MR. HARDER: Okay. Thank you. You
11 talked also about receiving, or I guess hearing
12 some comments at the public meeting. Have you
13 received any comments in writing from anyone?

14 THE WITNESS (Stanford): We had two
15 residents contact us and I believe there are
16 phonecalls. I don't have letters from either --
17 Julie Barrett I thought might be here today and I
18 do not see her here -- and her sister are both
19 owners of property on Kirtland Street. And both
20 of them were just, you know, in favor of candidate
21 A versus candidate B.

22 MR. HARDER: The last question I had is
23 I guess a followup to Mr. Edelson's comment about
24 5G. Just a general question and not so much in
25 terms of the business plan going forward, but in

1 terms of the technology and this kind of facility.

2 How does this kind of facility fit in
3 the 5G world? I mean, I've read an article, at
4 least one article that talked about in a 5G world
5 there's going to be a need for a lot of smaller
6 facilities, you know, more so than the larger, the
7 taller facilities, you know, we see today. And
8 I'm wondering generally is that true? But also
9 how does this kind of facility fit in that, that
10 kind of scenario?

11 THE WITNESS (Laredo): Jamie Laredo. At
12 the present time we deploy -- the nature of the
13 frequency used for 5G is very coverage limited.
14 So we normally deploy it in short antenna RAD
15 centerlines. So to answer your question in
16 relation to distance, the upgrade we're proposing
17 today, it's not applicable.

18 MR. FISHER: As permitted -- as counsel
19 I'm not allowed to testify, but because I do a lot
20 of work in this industry in this particular issue
21 maybe I can give some context.

22 So 5G, if we're talking about
23 millimeterwave technology, which I think Jamie is
24 referring to, is typically 28 gigahertz and up,
25 very shortwave. You're pricing a lot of

1 information about that in high-dense urban
2 environments. It has a ton of capacity and
3 capability, but you need a lot density of
4 infrastructure for that type of technology.

5 When you get to tower infrastructure and
6 more macro cell sites you will see something that
7 starts to look like faster, and called 5G using
8 existing spectrum as it's built out. But I think
9 what we as an industry -- and we have to do a
10 better job of is when we talk about 5G, it's not
11 what the commercials are saying necessarily.

12 We're really talking about today
13 millimeterwave spectrum in urban areas, but I
14 think you are going to see 5G deployment in sites
15 like this as we go on in future years.

16 MR. HARDER: Thank you. I have no other
17 questions. Thanks.

18 THE HEARING OFFICER: Thank you,
19 Mr. Harder.

20 And thank you, Attorney Fisher. It's
21 important for the education aspect of it to see
22 how that is coming down the pike, and how it's
23 going to fit in with what we already have. Thank
24 you.

25 Mr. Lynch?

1 MR. LYNCH: A couple questions. Just a
2 clarification on a couple things. I thought I
3 heard in the field review when we were at site A
4 that the cables will be switched out to be all new
5 cables for all the carriers. Did I hear that
6 right?

7 THE WITNESS (Burns): Each of the new
8 carriers will put in new cable -- cable bridges,
9 and if at that time they want to swap out and put
10 in more hyperflex lines, which could be less
11 cables, they could. At this point I -- we don't
12 know what their plan is in terms of cables.

13 MR. LYNCH: Okay. That leads me to my
14 next question about, are all the carriers
15 committed to the A1 low-profile antennas, or are
16 some of them? Because I see in Mr. Libertine's
17 simulations that there are full array antennas.

18 Is that just something they use as a
19 template, or will each carrier have a different
20 array of antennas?

21 THE WITNESS (Burns): That's correct.
22 Each -- each carrier will have their own array of
23 antennas.

24 MR. LYNCH: Okay. So if you have a full
25 array of antennas with the big platform and all

1 despite a lot of marketing hype that I've been
2 pitched by several vendors. Not to say they won't
3 work in some situations, but I wouldn't be able to
4 guarantee we can keep them off of there.

5 And this is a prime location. I think
6 we saw at least one Osprey fly overhead building a
7 nest, not necessarily on our tower, but yeah.
8 When you get the full arrays it certainly gives
9 them the infrastructure to be able to do that.

10 MR. LYNCH: I just figured I'd ask. As
11 long as I'm with you, Mr. Libertine, you talked
12 about SHPO. Anything from the tribes?

13 THE WITNESS (Libertine): No, we have
14 not gotten to the tribes yet because we are not in
15 a formal NEPA consultation. The reason I -- I
16 reached out to SHPO was because of the aesthetic
17 issues. And we had two sites that were being put
18 before you.

19 And it was really more for -- I felt as
20 though I will spend my client's money like it's my
21 own and I wouldn't want to spend the money to try
22 to clear two sites through that process if we
23 didn't need to.

24 I don't envision the tribes having any
25 concerns at site A because it's a disturbed site.

1 Site B, they may have some interest just in the
2 sense that they would want to understand the
3 history of that and, you know, understand if there
4 was.

5 I -- again, that site is not what I'd
6 consider to be a prime potential for cultural from
7 a tribal significance standpoint. It's --
8 typically we look for, you know, gently sloping
9 land that might have a water body at the bottom of
10 it and might be a southwestern facing slope.

11 Certain conditions that were
12 more than -- were used more than likely by some
13 Native American tribes for encampments and that
14 type of thing. We don't really have that kind of
15 characteristic going on at that site.

16 But they will -- if site B is chosen we
17 will certainly have to consult with all the
18 tribes.

19 MR. LYNCH: Okay. Now you talk about in
20 the application security for the compound, and I
21 understand that. My question really is -- and
22 it's a general question. Have many of your sites
23 either -- for any of the carriers, how often or do
24 they get vandalized often? And what gets taken?

25 THE WITNESS (Stanford): I -- I can

1 partially answer that. In an area like this I
2 don't think we have as big a risk of, for
3 instance, kids getting in there and climbing it.

4 I don't -- I don't imagine that that's
5 the number one threat, but the copper is very
6 valuable. So grounding plates and such are just
7 taken right off of towers, and they're sold for,
8 you know, pennies on the dollar for what they're
9 actually -- what they're actually worth. And
10 it's -- it is quite common.

11 THE WITNESS (Libertine): Just
12 anecdotally from, you know, being in the industry
13 for the last 20 years or so, it's usually the
14 remote locations where you see any type of, you
15 know, vandalism or mischief being done as opposed
16 to these sites which has quite a bit of activity
17 and, you know, development around it.

18 MR. LYNCH: Thank you. Understood.

19 Along with that, as far as vandalism
20 that doesn't -- I mean, stealing or anything, have
21 any of them presented themselves as an attractive
22 nuisance to kids if they can get in?

23 THE WITNESS (Stanford): I suppose it
24 would. You know, there are -- there are, again as
25 Mike points out in the more remote locations, you

1 might be -- they might be attractive for some
2 thrill seekers to climb. They're a high height
3 structure. I know that, you know, the water tanks
4 at the University of Connecticut, for instance,
5 the kids regularly climb it. It's almost a
6 challenge.

7 So I would imagine that that would be
8 what it is, and we find that some -- some towers
9 are targeted for graffiti. I don't believe that
10 Westbrook is -- that's probably going to be the
11 main concern. The main concern for probably the
12 barbed wire would be the theft.

13 MR. LYNCH: Okay. Now my next questions
14 have to do -- a cross between maybe Mr. Stanford
15 and Mr. Laredo. As far as going back to the
16 backup power if we bring in a generator, you know,
17 are there any arrangements made in case there is a
18 storm coming, be it a hurricane or blizzard, to in
19 advance get either a portable generator in there
20 or get whatever fuel is running the generators
21 topped off?

22 THE WITNESS (Stanford): Yeah. That's a
23 two-part -- a two-part question. So I'll have to
24 give you a two-part answer. In the case of a
25 shared generator -- which again those are

1 addressed in the ground leases. In both of them
2 there are provisions for a potential need for a
3 shared generator.

4 Since Verizon already exists at
5 candidate A and already has their own diesel
6 generator there, they're acting on their own. If
7 they are required to get on a shared generator
8 then they would make the business decision as to
9 whether or not they would share in the generator,
10 or go without a generator at all.

11 And in the case that there is no
12 generator, which is the second part of the
13 question, yes, arrangements are typically made
14 ahead of time, but they're done on a
15 carrier-by-carrier basis.

16 For instance T-Mobile has their own ops
17 team and they have a storm preparations crew that
18 goes out there and sets -- sets a trailer style
19 generator at a site, and they have a schedule for
20 refueling.

21 MR. LYNCH: All right. Now I have
22 another backup question. I think this would be
23 for Mr. Laredo.

24 If you got your electrical power covered
25 with a generator what happens if that trunk phone

1 line goes out? That site is dead. What do you
2 have for backup for that? Do you have any
3 agreements with Frontier to get a priority, you
4 know, on getting that cell site back up?

5 THE WITNESS (Laredo): Jamie Laredo.
6 The short answer is the site will be --

7 MR. LYNCH: Speak up?

8 THE WITNESS (Laredo): Yes, the short
9 answer is the site will be down because it's fully
10 dependent on the backhaul.

11 MR. LYNCH: I still didn't hear. Sorry.
12 I still didn't hear your answer. Sorry.

13 THE WITNESS (Laredo): If the backhaul
14 is down, definitely the site will -- will not be
15 available to serve the customers.

16 MR. LYNCH: Can you give me a little
17 bit -- I still didn't get what you're saying.

18 MR. FISHER: Mr. Laredo, I think the
19 question just in terms of your answer and
20 backhaul, are you referring to the wireline
21 connection, that that's the weak link? And if
22 that's down and unavailable, there's no backup
23 plan for that, like a microwave link or something
24 of that nature?

25 THE WITNESS (Laredo): That's correct.

1 MR. FISHER: I don't know if you heard
2 him. Speak a little louder.

3 THE WITNESS (Laredo): That is correct.

4 MR. LYNCH: Thank you, Mr. Fisher.

5 Now my other question, Mr. Laredo, is
6 that being so close to the Sound when the signal
7 goes out it can go out all the way across the
8 Sound, all the way to Long Island? Would that
9 cause any interference with Long Island or any
10 boats that are in the sound?

11 THE WITNESS (Laredo): Currently based
12 from the latest design that I have for the site my
13 antennas are pointed towards north, west and east.
14 Nothing is pointed towards south. So it will
15 avoid interference with Long Island Sound network
16 facilities, to answer the question.

17 MR. LYNCH: So if I'm in sailboat on the
18 Sound, I can't use my cellphone?

19 THE WITNESS (Laredo): You can still use
20 your cellphone, but it should be more than enough
21 in terms of reliability. But we -- it's our
22 responsibility not to create interference to our
23 bordering network facilities and other carriers at
24 the same time.

25 MR. LYNCH: Now one more set of

1 questions and then I'm all done, and that would be
2 again on storms. And in your interrogatories
3 you're going to use the standards for the State of
4 Connecticut, and all, so on and so forth.

5 But as I look at, in the application,
6 SP-1, where it kind of states, you know -- maybe I
7 got the wrong one here, but in the recent storms
8 that we've had in the country, not necessarily up
9 here, I have noticed in Florida and now currently
10 now from Texas, Oklahoma up through the Midwest,
11 that a lot of these standards are being surpassed
12 by the storms.

13 And my question is, you know, especially
14 when I've seen photos where antennas have actually
15 been blown off towers and this is the
16 first time -- another one is the first time I've
17 ever seen a tower that actually totally collapsed
18 was at Oklahoma, or Nebraska, somewhere like that.
19 And you know, way beyond where we were to put a
20 fault line. It just went over. I've never seen
21 that before.

22 You know, so my question really is, are
23 these standards, even though they've just been
24 changed, are they adequate to protect against
25 these violent storms we're getting? And I'm not

1 getting into -- maybe the engineer -- I'm not
2 getting into, you know, global warming or
3 anything. I'm just -- the storms are getting
4 worse.

5 THE WITNESS (Burns): The structural
6 design on the tower, both the tower and for the
7 antenna platforms is based on the current EIA/TIA
8 revision that's adopted by the State of
9 Connecticut. So that's what it's designed to.

10 Is it adequate for a storm that we don't
11 foresee? I -- I don't know the answer to that.

12 MR. LYNCH: I guess my question would
13 be, should the industry be looking at upgrading
14 beyond what the State and federal government sets
15 for standards? I guess I'm asking you to police
16 yourself.

17 THE WITNESS (Burns): Perhaps.

18 MR. FISHER: Maybe I can just help a
19 little bit. When you referenced EIA/TIA, that's
20 in fact an industry group that helps set the
21 standard with state and local government.

22 THE WITNESS (Burns): That's correct --

23 MR. FISHER: And when they go through
24 the various revisions they take in new data. Do
25 they not?

1 THE WITNESS (Burns): That's correct.
2 We're dash "H" now. So every -- I'm not going to
3 say every year, but there's a period of time when
4 they put out a new supplement, and that's based on
5 what they feel is sufficient for the conditions.

6 MR. LYNCH: That's more informative.
7 Thank you.

8 That's all, Mr. Chairman.

9 THE HEARING OFFICER: Thank you,
10 Mr. Lynch.

11 Mr. Edelson had a followup on, I
12 believe, the generator questions.

13 MR. EDELSON: Right. Going back to site
14 A and the existing generator that Verizon has
15 there, we've typically asked about capacity, how
16 big the tank is and how many hours could you run
17 if there was an electricity outage.

18 Do you have a figure on that?

19 THE WITNESS (Burns): Typically -- and
20 I'm going to use the word "typically," because I
21 don't know directly how big the generator is in
22 that shelter. They put in a 50 kW generator with,
23 like, I want to say a 200-gallon belly tank, which
24 is sufficient to run for four days -- I think.
25 I'm not positive of that, but again I don't know

1 what's in the shelter currently.

2 MR. EDELSON: Because -- and I think for
3 a while, Mr. Chairman, we were having numerous
4 applications and we were comparing the fact that
5 different carriers seem to have -- some were 72
6 hours, some were 96, and trying to figure out what
7 the rationale for that was.

8 But what seems strange to me is Verizon
9 has, let's say, 72 hours is the right number for
10 site A. And you're saying, well but for site B we
11 don't care about backup.

12 So I'm kind of still trying to get my
13 hands around why Verizon -- and Verizon always
14 seemed to me to be a leader of saying, reliability
15 is key. We want that backup generator. I'm
16 talking about other sites that we've seen in the
17 past.

18 And now we come along and site B, you're
19 saying no proposed generator at this time. You
20 might change your mind. So I'm just trying to
21 better understand why site B would be no
22 generator.

23 THE WITNESS (Stanford): I can try to
24 address that. Typically now Verizon is at a
25 corporate level unable to write two leases

1 concurrently for one site on their business unit.
2 So it's just -- it really is a matter of what
3 they're able to do. And right now they're only
4 able to sign a lease on one with provision for an
5 alternate if the primary candidate is denied.

6 So they have not yet designed what would
7 happen on the secondary site, but would -- and
8 they would contemplate that on a case basis. So
9 if we were to move over there they would need to
10 design that entire site ground up as a new site
11 built under a budget of its own.

12 MR. EDELSON: Okay. So I guess I'd make
13 the request that if you could get back to the
14 Council with your best guess, or best estimate I
15 should say, of site A's duration if there was no
16 power?

17 THE HEARING OFFICER: Well, let me
18 interject on that one. You do have backup
19 battery. So the question I would pose as a
20 followup to Mr. Edelson is, how long are your
21 batteries going to last?

22 THE WITNESS (Burns): And also under --
23 understand that that generator is strictly for
24 Verizon.

25 THE HEARING OFFICER: Understood. So

1 I'm again following up with that to say, okay.
2 You go to site A or site B where you don't have a
3 generator that's there, but you have battery
4 backup power. How long are your batteries
5 expected to last?

6 THE WITNESS (Stanford): So for
7 clarification, if a site were to be approved
8 either at candidate A or B, and the Council were
9 to mandate a shared generator, we -- it's our
10 anticipation that all of the participating
11 carriers would be interested in using that.

12 We just do not have -- in their site
13 license agreements we have no provision in that
14 yet, because as it stands Verizon is leased and
15 has continuity at the site that they're at now and
16 are accommodated by a generator at that site, but
17 would in all likelihood participate in the shared
18 generator.

19 THE HEARING OFFICER: But going back to
20 my question, how long do your batteries last?

21 THE WITNESS (Burns): My -- my
22 suggestion is that we get back with each one of
23 the carriers in terms of what they have for
24 batteries out there and generator, and maybe come
25 back to the commission with that.

1 MR. FISHER: If I could just add because
2 I was sharing and I could ask it by way of a
3 question, if I could, as a followup for my
4 witness.

5 I think one of the unique circumstances
6 of this site has been it's been an existing site
7 at the water tank. And the focus of the carriers
8 has been continuity of service. Is that correct?

9 THE WITNESS (Stanford): Yes.

10 MR. FISHER: And is that part of the
11 reason why because it's slightly different than a
12 normal tower build they haven't yet focused on the
13 question of backup power in this particular
14 instance?

15 THE WITNESS (Stanford): It is.

16 MR. FISHER: But you would expect that
17 absolutely once a site is identified would need
18 backup power and be looking for a shared generator
19 solution if that's something you're offering as
20 MCM?

21 THE WITNESS (Stanford): Correct.

22 MR. FISHER: So it's really a little bit
23 from the genesis of how we got here with this
24 site, as opposed to either typical tower planning.
25 Is that correct?

1 THE WITNESS (Stanford): Yeah, it's --
2 it's unique in that it was an existing site.

3 THE HEARING OFFICER: Let me stay on
4 this for one more minute or so. The temporary
5 tower that you have right now, is there backup
6 battery power for that?

7 THE WITNESS (Stanford): There is not.
8 There's no battery backup for two of the three
9 carriers there. Verizon's equipment is operating
10 where it was on the water tank. So they do
11 have -- they are accommodated by a backup
12 generator now.

13 The other two carriers have battery
14 backup, which again doesn't get them through any
15 more than they get -- an alarm goes off at the
16 switch and they send a tech out to fix the
17 problem. It's hours not days on battery backup.

18 THE HEARING OFFICER: And again, I think
19 the concern that the Council has is, okay.
20 Reliability, what does happen in the event that
21 you have such outages and that type of thing? .

22 You know, from my personal experience we
23 got hit with a tornado in Hamden, and I didn't
24 have any type of cell power at all. And you
25 couldn't even get out to try to get cell power

1 because all the trees were down, et cetera, et
2 cetera.

3 So again, reliability and how long would
4 things last either without a generator or with a
5 generator would be very, very important to the
6 Council. So I pose that to you to think about
7 that in your designs.

8 I did have two other followups that I
9 wanted to ask. One on Mr. Lynch. He had asked
10 about the fence and the barbed wire business for
11 security. Are there any other security measures
12 being proposed?

13 THE WITNESS (Burns): At site A besides
14 the ones that already existed, each of the
15 carriers, they, you know, Verizon has a silent
16 alarm at their shelter, et cetera, et cetera.
17 There's no other security, overall security being
18 proposed.

19 THE HEARING OFFICER: So really just for
20 the shelter, but not necessarily for anything else
21 that might be exposed?

22 THE WITNESS (Burns): That's correct.

23 THE WITNESS (Stanford): Except that the
24 climbing pegs on the top -- the lowest climbing
25 pegs are removed when no one is there. They're

1 not reachable.

2 THE HEARING OFFICER: Okay. The other
3 followup I had was going back to the visual
4 drawings with Mr. Libertine. I think I've got a
5 magnifying glass in my car that I'll grab during
6 the break and share it with Mr. Edelson and we can
7 find that.

8 THE WITNESS (Stanford): Okay. Great.
9 Thank you.

10 THE HEARING OFFICER: A couple questions
11 that I had. If you look at page 24 of the
12 application it has an overall estimated cost of
13 135,000 for site A, but then if you continue
14 within the body of tab 6A -- and there's no page
15 number, there's the estimated cost of 265,000
16 dollars that includes excavation and foundation,
17 and I just want to make sure that the 265,000 is
18 the accurate figure.

19 THE WITNESS (Libertine): Mr. Silvestri,
20 can you point out where you see the 265,000-dollar
21 figure? I'm not seeing that.

22 THE HEARING OFFICER: I've got to go
23 back to tab 6A.

24 MS. BACHMAN: Mr. Libertine, it's before
25 your preliminary historic resources determination.

1 THE HEARING OFFICER: Actually go to tab
2 B and work backwards. And it's only a couple
3 pages back.

4 THE WITNESS (Libertine): Thank you.

5 MS. BACHMAN: I think you're on the
6 page. It just looks like this.

7 THE WITNESS (Libertine): Okay. I'm
8 following.

9 THE WITNESS (Stanford): So I think the
10 more -- I think the more accurate ones will be
11 under tab 6 because on page 24 prior to tab 1 the
12 excavation and foundation costs are not
13 incorporated into site B.

14 THE HEARING OFFICER: So could I say
15 that the 265,000 does incorporate the
16 excavation --

17 THE WITNESS (Stanford): Hard costs,
18 yes.

19 THE HEARING OFFICER: And foundation
20 cost, and that is the more representative cost?

21 THE WITNESS (Stanford): A more
22 representative cost, yes.

23 THE HEARING OFFICER: I want to go --
24 similar for site B. All right? And this is
25 within the body of tab 6B. The same type of

1 table. We have the cost of \$335,500. It includes
2 excavation and foundation?

3 THE WITNESS (Stanford): Yes.

4 THE HEARING OFFICER: But the question I
5 have for you, does that estimate include tree
6 removal?

7 I will give you a further lead in, if I
8 could? There's a landscaping line item that's
9 there, but to me landscaping means doing things
10 after the fact.

11 THE WITNESS (Stanford): Yeah, that's --
12 the -- the landscaping would be after the fact to
13 dress it up to screen and so forth. So I don't
14 believe tree removal is included.

15 THE HEARING OFFICER: So that would be
16 an additional cost?

17 THE WITNESS (Stanford): It would be
18 over and above the 335,000.

19 THE HEARING OFFICER: Okay. Thank you.

20 Going back to when the tower was there,
21 I believe the tower itself was 120 feet high. And
22 then the antennas came up above that to, maybe
23 130 feet?

24 THE WITNESS (Stanford): The actual top
25 of the dome, the crown of the tank was at 130 feet

1 and the antennas were actually below that. They
2 did not exceed the crown height of the tower.

3 THE HEARING OFFICER: So those antennas
4 did not exceed 130 feet?

5 THE WITNESS (Stanford): Correct. Yes,
6 correct.

7 THE HEARING OFFICER: Thank you.

8 Have all the subsurface structures,
9 whatever they might have been for that former
10 tank, have they been removed from the process of
11 the water company taking the tank out?

12 THE WITNESS (Stanford): Yes, the -- the
13 four concrete piers that the tower -- tank used to
14 stand on are removed.

15 THE HEARING OFFICER: So you don't
16 expect any interference in the work that you're
17 proposing to do at site A?

18 THE WITNESS (Stanford): Not from the
19 former foundation.

20 THE HEARING OFFICER: Okay. And I
21 believe the last one I have for you is regarding
22 the current underground utility connections at
23 site A. Does anything need to be modified with
24 what exists already underground?

25 THE WITNESS (Stanford): We will have a

1 power utility walk with Eversource, and they'll
2 determine at that point if what is there is
3 sufficient.

4 As far as fiber to the site, do you
5 know, Bob, how old the fiber to the site is?

6 THE WITNESS (Burns): I don't, but prior
7 to construction it would be our recommendation
8 that the contractor have a GPR performed out there
9 to make sure they identify everything due to the
10 fact that it is inside the compound and records
11 are scarce, if you will. So they will be
12 identified prior.

13 THE HEARING OFFICER: Thank you. That's
14 all the questions that I have. I just want to go
15 back to our councilmembers and see if anybody else
16 has another question -- or Mr. Mercier?

17 MR. MERCIER: I have a few questions.
18 Thank you.

19 Just going back to the cost estimate we
20 just talked about that you included landscaping,
21 and the cost, \$17,000 for both sites, but earlier
22 I think you said there was no landscaping
23 proposed.

24 So is there, and what would it consist
25 of?

1 THE WITNESS (Stanford): The landscaping
2 and screening is not proposed, but it's
3 anticipated. So typically at a D and M or
4 building permit level there will be requirements
5 for screening, or just for enhancing the looks of
6 the property. So that's what we budget for.

7 MR. MERCIER: And I'm not sure what
8 17,000 gets you. Is that shrubs and things of
9 that nature?

10 THE WITNESS (Stanford): Typically,
11 yeah. Shrubs, mulch beds.

12 MR. MERCIER: Is that on all four sides,
13 or is that one side?

14 THE WITNESS (Stanford): Site A would be
15 on three sides, or whatever fits up to the
16 wetlands. So probably even two just in front of
17 the thing. So it's really screened from where
18 it's visible from the road.

19 MR. MERCIER: Okay. Thank you.

20 Earlier you were talking about ospreys.
21 Are there any observations -- do they damage the
22 equipment on the tower by using it as a nesting
23 location based on your experience?

24 THE WITNESS (Libertine): I'll start and
25 I'll let Mr. Gustafson also -- he has even more

1 experience, actually direct observations for
2 nesting individuals. We -- we have found that for
3 the most part there has not been a destructive
4 characteristic associated with them testing.

5 It typically is a nuisance factor for
6 the carriers because it does not allow them to get
7 up and work on the antennas or on their equipment
8 if the nest is active, which can be sometimes four
9 or five months out of the year.

10 But no, we haven't really seen a lot of
11 antenna or equipment destruction, at least in my
12 experience. Dean may have seen something I'm not
13 aware of.

14 THE WITNESS (Gustafson): Yeah, for the
15 ospreys species we haven't witnessed any type of
16 equipment, antenna, cabling, any of that
17 infrastructure damage.

18 There is some fouling, you know, from
19 the birds being up there and also feeding and
20 perching up there. So it's more of a nuisance
21 that needs to be cleaned.

22 Other species like the common raven will
23 actually tear off casing for cables and whatnot.
24 So those, those species will actually do some
25 physical damage, peck at antenna casings and

1 whatnot, so.

2 MR. MERCIER: Thank you. And going back
3 to the timeline, I asked questions earlier how
4 would the current carriers transfer their
5 equipment to one of the new towers if this
6 application is approved?

7 Now once the tower is up and ready for
8 collocation by the carriers, is MCM going to give
9 them a timeline?

10 THE WITNESS (Stanford): There is one,
11 yes.

12 MR. MERCIER: Okay. What period of time
13 would they have to get all of their equipment off
14 so you can take down --

15 THE WITNESS (Stanford): It's caveated
16 by reasonable, but when the construction is
17 complete their site license agreement for the --
18 for the new tower takes the place or terminates
19 their agreement for their lease on the temporary
20 tower.

21 So we'll notify them that it's coming
22 down within a certain period of time, and we have
23 to discuss how long that would -- that would be.
24 It would be no -- no longer than, say, a 60-day
25 period to coordinate three carriers. Once the --

1 once the tower is up to get them off the temporary
2 tower and then we have to -- then we have to go,
3 you know, organize and orchestrate in getting that
4 temporary tower out of there.

5 MR. MERCIER: Okay. So you're thinking
6 60 days or so. It won't be like a year or
7 something?

8 THE WITNESS (Stanford): No.

9 MR. MERCIER: Okay. Mr. Laredo, I guess
10 the only other question I have is I was looking
11 through the plots and there was one plot that
12 said, proposed LTE, 850 megahertz. So that, that
13 would be an entirely new service that's not
14 offered right now in that frequency?

15 THE WITNESS (Laredo): That's correct.

16 MR. MERCIER: Okay. That's all. Thank
17 you. No other question.

18 THE HEARING OFFICER: Thank you,
19 Mr. Mercer.

20 Do any of the other councilmembers have
21 any follow-up questions? Mr. Edelson.

22 MR. EDELSON: I was just thinking that
23 this is one of the first sites I've been to that's
24 this close to the coast. And thinking about
25 Hurricane Sandy a few years ago, I don't think

1 this area got hit as hard as west of here.

2 But are there any provisions in the
3 design that you've done here that, let's say, you
4 might not have done if it was further north from
5 here to account for a storm surge given the
6 proximity to the shore?

7 THE WITNESS (Stanford): Bob, do you
8 want to address the coastline standards versus
9 other areas inland?

10 THE WITNESS (Burns): The standards that
11 would apply here will be applied to the design.
12 Now most of that is taken into consideration in
13 the EIA/TIA document.

14 MR. EDELSON: So it adjusts for
15 location --

16 THE WITNESS (Burns): Yes.

17 MR. EDELSON: -- in terms of proximity
18 to where the storm surge is?

19 THE WITNESS (Burns): I'm going to say
20 yes.

21 MR. EDELSON: Okay. And that appears as
22 far as in the pad, the concrete pad, or the tower
23 itself?

24 THE WITNESS (Burns): Oh, yeah. Well,
25 the concrete pad takes into account the amount of

1 wind that we're designed per that document, and
2 that's per town. So the closer you get to the
3 shore or the county, the windspeed that you need
4 to design to is increased.

5 MR. EDELSON: So most of it is in the
6 substructure, if you will -- or the tower, I'm
7 sorry. You're talking about the tower itself?

8 THE WITNESS (Burns): It's either the
9 substructure, the foundation, or the tower itself.
10 Sometimes the base is six feet. Sometimes it's
11 eight foot. It depends if they designed them
12 together. So -- so both, I would say.

13 MR. EDELSON: But it's in the standard
14 to account for that because of where Westbrook is?

15 THE WITNESS (Burns): Yes. Yes.

16 THE WITNESS (Stanford): The standards
17 account for higher sustained wind speeds and
18 higher peak wind speeds along the coast versus
19 inland.

20 THE WITNESS (Burns): That's right.

21 THE HEARING OFFICER: And one followup.
22 We were talking about ospreys before, and a little
23 light went off in my head because of some work I
24 used to do many years ago.

25 Is there any concern with any of your

1 installations, or this one in particular with monk
2 parrots?

3 THE WITNESS (Libertine): It's
4 interesting you bring that, that up. You know, in
5 my experience we have not seen that to be a real
6 problem in terms of any nesting. They tend to
7 like transformers because of the heat, I think.
8 So we haven't seen -- that these don't generate a
9 great deal of heat. So we haven't seen that.

10 I have not in my -- all the years I've
11 been doing this I've never experienced that. I
12 have seen the monk parakeets down the shoreline
13 more in UI's territory where they have really
14 created some major nests on -- telephone poles
15 seem to be more to their liking.

16 And I think it's the transformers is
17 what tends to draw them because of the heat, but
18 we -- I have not seen any. I don't know if anyone
19 else on the panel has seen that particular
20 problem.

21 THE HEARING OFFICER: Yeah. Like I
22 said, it was a curiosity question on my part. But
23 you're absolutely right about the heat. It was
24 the heat from the transformers that kind of drew
25 them there. And I think it was a number of years

1 ago they actually saw them in the news just about
2 every day, but that kind of died out, too. So --

3 THE WITNESS (Libertine): They make a
4 racket, and I know that was a problem for, you
5 know, some of the folks and neighbors who had, you
6 know, their windows were right next to these.

7 But then again when they went to
8 eradicate them, they screamed holy you know what,
9 too. So you know, it's kind of a balance.

10 THE HEARING OFFICER: There's a balance,
11 yeah.

12 THE WITNESS (Libertine): I certainly
13 have not seen it on any towers.

14 THE HEARING OFFICER: Thank you.

15 If we have no additional questions the
16 Council will recess until 6:30 p.m. at which time
17 we will commence the public comment session of
18 this hearing. Thank you.

19

20 (Whereupon, the above proceedings were
21 concluded at 4:25 p.m.)

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CERTIFICATE

I hereby certify that the foregoing 76 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the Regular Hearing in Re: Docket No. 485, APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A TELECOMMUNICATIONS FACILITY AT ONE OF TWO SITES: 1542 BOSTON POST ROAD OR AT THE END OF KIRTLAND STREET, WESTBROOK, CONNECTICUT, which was held before ROBERT SILVESTRI, THE HEARING OFFICER, at the Theresa Mulvey Municipal Center, 866 Boston Post Road, Westbrook, Connecticut, May 30, 2019.



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