

GABRIEL NORTH SEYMOUR P.C.

Attorney at Law
200 Route 126
Falls Village, CT 06031
Phone (860) 824-1412
certiorari@earthlink.net

July 24, 2008

Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051


RE: Docket No. 360

To the Connecticut Siting Council:

Enclosed please find an original and 20 copies of Intervenor Dina Jaeger's additional prefiled, marked exhibits and Supplemental Exhibit List for the continued public hearing on July 31, 2008 on Docket 360.

I certify that copies of these documents were mailed today to the Applicant and Applicant's legal counsel.

Sincerely,



Gabriel N. Seymour
Counsel to Intervenor Jaeger

Enclosures

cc.
Sandy Carter, Regulatory Manager
Verizon Wireless
99 East River Drive
East Hartford, CT 06108

Kenneth C. Baldwin, Esq.
Robinson & Cole, LLP
280 Trumbull Street
Hartford, CT 06103-3597

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Connecticut Siting Council
Docket No. 360

INTERVENOR JAEGER'S HEARING EXHIBITS

The following is a list of the exhibits Intervenor Jaeger presently intends to present at the public hearing on Docket No. 360.

I. Exhibits Relating to Migratory Birds and Endangered Species

- IJ 1 SUNY Study on Avian Brain Neurons, 2002.
- IJ 2 UCI Study on Migratory Birds, 2004.
- IJ 3 Ditto – Full Text.
- IJ 4 Balmori Study on House Sparrows, 2003.
- IJ 5 Everaert and Bauwens Study on House Sparrows, 2007.
- IJ 6 Balmori Study of White Storks, 2005.
- IJ 7 Magras Study of Infertility in Mice, 1997.
- IJ 8 CGS Chapter 495, Endangered Species.
- IJ 9 DEP NDDDB Map of Canaan, Connecticut, June, 2006.
- IJ 10 DEP NDDDB Map Legend.
- IJ 11 Detail of NDDDB Map Marked to Show Location of Proposed Tower.
- IJ 12 Nature Conservancy Northwest Highlands Information Sheet.
- IJ 13 DEP Instructions for NDDDB Review Request.
- IJ 14 DEP List of Endangered Species, Litchfield County, May, 2006.
- IJ 15 DEP NDDDB Letter of September 25, 2006.

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I. Exhibits Relating to Migratory Birds and Endangered Species (continued)

- IJ 16 McNeely Report on Migratory and Nesting Birds within 2 Miles of Beebe Hill Cell Tower site, 9/06.
- IJ 17 Excerpts From DEP Atlas of Breeding Birds of Connecticut, 1994.
- IJ 18 DEP American Bittern Information Sheet, 12/99.
- IJ 19 DEP Pied-Billed Grebe Information Sheet, 1/00.
- IJ 20 DEP Barn Owl Information Sheet, 1/00.
- IJ 21 Alaska Department of Fish and Game Burbot Information Sheet, 1994.
- IJ 22 DEP Connecticut Wildlife article on Mud Puppies, 3-4/06 (p.7).
- IJ 23 DEP Bog Turtle Information Sheet, 12/99.
- IJ 24 Wisconsin Department of Natural Resources Wood Turtle Information Sheet, 2004.
- IJ 25 DEP Map 3 of Robbins Swamp WMA, 10/01.
- IJ 26 Balmori Study on Amphibians, 2005.
- IJ 27 New Jersey Blue-Spotted Salamander Information Sheet.
- IJ 28 DEP Threatened Northern Spring Salamander Information Sheet.
- IJ 29 DEP Map 5 of Housatonic State Forest.
- IJ 30 UCONN Report on "Most Significant Ecological Community in the State of Connecticut."
- IJ 31 Ditto – Full Text.
- IJ 32 Montana State U. Columbine Duskywing Information Sheet.
- IJ 33 Montana State U. Northern Metalmark Information Sheet.

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II. Exhibits Relating to Property Rights and Public Safety

- IJ 34 Austrian Study of Possible Health Effects Caused by Cell Tower Emissions, 2006.
- IJ 35 French Study of Possible Health Effects Caused by Cell Tower Emissions, 2003.
- IJ 36 German Study of Possible Health Effects Caused by Cell Tower Emissions, 2005.
- IJ 37 Netherlands Study of Possible Health Effects Caused by Cell Tower Emissions, 2003.
- IJ 38 Spanish Study of Possible Health Effects Caused by Cell Tower Emissions, 2003.
- IJ 39 Swedish Study of Increase of Malignant Melanomas, 2004.
- IJ 40 United Kingdom Department of Health Information Folders on Mobile Phones and Base Stations, 2000.
- IJ 41 International Association of Firefighters Resolution urging Study of Health Effects of Cell Towers, 2004.
- IJ 42 Studies of Biological Effects at Low Intensities (Compiled by Henri Lai, Bioelectromagnetics Research Laboratory, U. of Washington), 2005.
- IJ 43 International Commission for Electromagnetic Safety Benevento Resolution, 2006.
- IJ 44 London Times Article on Cancer Clusters at Phone Masts, 4/22/07.
- IJ 45 The BioInitiative Report, Section 1
- IJ 46 The BioInitiative Report, Section 17
- IJ 47 Pre filed testimony of Dina K. Jaeger
- IJ 48 Petition with signatures, submitted by Dina Jaeger on June 26, 2008.

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INTERVENOR JAEGER'S SUPPLEMENTAL HEARING EXHIBITS

- IJ 49 Migratory Bird Treaty Act Bird List, Bird Marked to Reflect Beebe Hill Sightings by John McNeely

- IJ 50 Migratory Bird Treaty Act Bird List, Marked to Reflect Beebe Hill Sightings by Luis Cabassa (174 Beebe Hill Road, Falls Village, CT)

- IJ 51 Briefing Paper on the Need for Research into the Cumulative Impacts of Communication Towers on Migratory Birds and Other Wildlife in the United States by the Division of Migratory Bird Management (DMBM), U.S. Fish & Wildlife Service. 8/13/07

- IJ 52 Decision of the U.S. Court of Appeals for the District of Columbia Circuit in American Bird Conservancy, Inc. and Forest Conservation Council, Petitioners, v. Federal Communications Commission, Respondent, CTIA - The Wireless Association, et al., Intervenors, Petition for Review of an Order of the Federal Communications Commission, [516 F.3d 1027], Decided 2/19/08.

- IJ 53 Federal Communications Commission Press Release: Statement of Commissioner Michael J. Copps in Response to the D.C. Circuit's Decision Vacating the FCC's Denial and Dismissal of the Gulf Coast Migratory Birds Petition, Released 2/20/08

- IJ 54 Federal Communications Commission Opening of Docket No. 08-61, In Response to American Bird Conservancy, Inc. v. FCC, 516 F.3d 1027 (D.C. Cir. 2008)

- IJ 55 Definition of Scenic Road Designation under Connecticut Public Act No. 87-280 of Connecticut Route 7 from Kent-New Milford, CT town line to Canaan-North Canaan town line, per ConnDOT press release of 1/25/02

- IJ 56 Certified Copy of the Minutes of Town Meeting - Kellogg School Auditorium - October 5, 2000

- IJ 57 Certified Copy of Quit Claim Deed, Vol. 60, Page 578

- IJ 58 Certified Copy of the Minutes of Regular Meeting of the Town of Canaan Fire Commission, Falls Village Connecticut, June 19, 2007

- IJ 59 Certified Copy of the Minutes of Regular Meeting of the Town of Canaan Fire Commission, Falls Village Connecticut, February 19, 2008

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- IJ 60 Certified Copy of Agenda of Special Board of Selectmen's Meeting,
Town of Canaan, Wednesday, April 23, 2008

- IJ 61 Certified Copy of Minutes of Special Board of Selectmen's Meeting,
Town of Canaan, Wednesday, April 23, 2008

- IJ 62 Certified Copy of Agenda of Special Board of Selectmen's Meeting, Town
of Canaan, Thursday, June 12, 2008

- IJ 63 Certified Copy of Minutes of Special Board of Selectmen's Meeting,
Town of Canaan, Thursday, June 12, 2008

- IJ 64 Certified Copy of Town of Canaan Municipal Budget, FY 2008-2009:
cover and pages 4, 7 and 8 [Insurance, Including CIRMA #1015; FVVFD
Pension #1016; Fire Commission #2001]

- IJ 65 Resolution No. 15 of IAFF opposing cell towers near fire stations until
proven safe.

- IJ 66 Town of Canaan Zoning Regulations, Preamble and Section 9.2

- IJ 67 Migratory Bird Treaty Act Bird List, Marked to Reflect Beebe Hill
Sightings by Charlie Knox

- IJ 68 Certified Copy of Town of Canaan Assessor Map 4

- IJ 69 Certified Copy of Town of Canaan Assessor Map 15

INTERVENOR JAEGER'S SUPPLEMENTAL HEARING EXHIBITS

- IJ 70 Affidavit of Luis Cabassa verifying marked Migratory Bird Treaty
Act Bird List [Exhibit IJ50]

- IJ 71 Affidavit of Charles Knox verifying marked Migratory Bird Treaty
Act Bird List [Exhibit IJ67]

- IJ 72 Notarized Letter of Charles Knox listing bird sightings at 167 Beebe
Hill property

- IJ 73 Photograph of Blue Spotted Salamander submitted by Ameen
Storm Abo-Hamzy, during Public Session of July 1, 2008 Siting
Council Hearing on Docket 360

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- IJ 74 Photograph taken at 167 Beebe Hill Road on July 1, 2008, of Verizon Field Review Balloon at proposed tower site, as seen through bedroom window of Louise Grace Jaeger, age 7.

- IJ 75 Photograph taken at 167 Beebe Hill Road on July 1, 2008, of Verizon Field Review Balloon at proposed tower site, as seen through bedroom window of Intervenor Dina Jaeger.

- IJ 76 Certified copy of Town of Canaan Board of Selectmen Meeting, Tuesday, November 13, 2007, including Selectman Chuck Lewis's statement about allowing time for public comment on proposed cell tower.

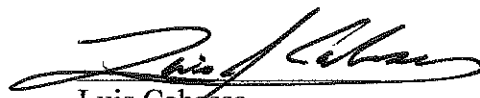
AFFIDAVIT OF LUIS CABASSA


State of Connecticut]
] ss.
County of Litchfield]

LUIS CABASSA being duly sworn deposes and says:

1. My name is Luis Cabassa. I live at 174 Beebe Hill Road, Falls Village (Town of Canaan), Connecticut, a short distance from the proposed cell tower site.
2. On Tuesday, July 1, 2008, I addressed the Connecticut Siting Council during the public participation session of their Public Hearing on Docket 360.
3. I am a bird-watcher and have provided to Intervenor Dina Jaeger a marked copy of the list of birds protected under the Migratory Bird Treaty Act, indicating those birds which I, along with my wife, have personally observed on Beebe Hill.
4. That list has been marked as Intervenor's Exhibit IJ50.
5. I hereby certify that the markings on that list are mine and that the bird sightings represented by the marks are mine and those of my wife Rita Cabassa, as made on Beebe Hill where we live.
6. I ask that the Connecticut Siting Council accept that marked exhibit into evidence for consideration under Docket 360, as it is material evidence of the existence of internationally protected birds near the site of the proposed tower.

Sworn to before me
This 23rd day of July, 2008


Luis Cabassa


Notary Public

MARY M. PALMER
Notary Public
My Commission Expires April 30, 2011

AFFIDAVIT OF CHARLES KNOX

State of Connecticut]
] ss. : *Canaan*
County of Litchfield]

CHARLES KNOX being duly sworn deposes and says:

1. My name is Charles Knox from Winsted, Connecticut.
2. I provided to Intervenor Dina Jaeger a marked copy of the list of birds protected under the Migratory Bird Treaty Act indicating the birds that I have personally observed on her property on Beebe Hill.
3. That list has been marked as Intervenor's Exhibit IJ67 and pre-filed with the Council.
4. I work as gardener on the Intervenor's property at 167 Beebe Hill Road in Falls Village, Connecticut.
5. I am a bird-watcher and I do the majority of my work out of doors, where I have a clear view of the sky around the Intervenor's home and land.
6. I hereby certify that the markings on the list marked as Intervenor's Exhibit IJ67 were made by me and that the bird sightings represented by the marks are mine.
7. I ask that the Connecticut Siting Council accept pre-marked exhibit IJ67 into evidence for consideration under Docket 360, establishing the existence of internationally protected birds in close proximity to the proposed tower that is the subject of the hearing and Docket 360.

Sworn to before me
This 24th day of July, 2008

Charles L. Knox
Charles Knox

Mary M. Palmer
Notary Public

MARY M. PALMER
Notary Public
My Commission Expires April 30, 2011

STATE OF CONNECTICUT)
COUNTY OF LITCHFIELD) ss.: Canaan



STATEMENT TO THE CHAIRMAN OF THE CONNECTICUT SITING COUNCIL

By way of introduction, my name is Charles Knox, retired, of Winsted, CT and I have the pleasure of knowing and sometimes working in the gardens of Ms Dina Jaeger of 167 Beebe Hill Rd. Falls Village, CT. Being a bird watcher for most my life (age 68) I have observed many species while visiting/working the grounds of Ms Jaeger.

Watching, feeding and admiring birds is of the greatest pleasure for me.

So I will speak for those who have no voice or vote.

I will list my observations: the most exciting is to see the bald eagles.

bald eagle	crows
cardinals	orioles
chickadees	carolina wrens
juncos	buzzards
cow birds	hummingbirds
grackles	various sparrow like birds (too many to id)
starlings	have seen herons and egrets fly over
blue jays	sparrow hawks
red winged blackbirds	savannah sparrow
red tailed hawks	
towhees	
swallow	
purple martins	
fly catchers	
nut hatches	
various woodpeckers	
bluebirds	
robins	
thrush	
pigeons	
mourning doves	
turkeys	
barn owl	
gold finches(green and house)	

I understand that birds are protected by the 1918 Migratory Treaty Act, which could lead to international implications so therefore ALL governments have an obligation to protect our feathered friends.

If proper safety standards have not been implemented, to date, addressing the effects of microwave emissions, no towers should be permitted within known migratory routes. Birds are a wonderful gift and serve humankind in ways most folks are unaware. Don't threaten one of our national treasures.

Charles Knox

Charles L. Knox

Subscribed and sworn to before me this

MARY M. PALMER
Notary Public
My Commission Expires April 30, 2011

24th day of July, 2008 by Charles L. Knox.

Shary M. Palmer

MARY M. PALMER
Notary Public
My Commission Expires April 30, 2011

Blumberg No. 5118

EXHIBIT

IJ73



Blinberg No. 6118

EXHIBIT

IJ74





EXHIBIT
IJ75
Burborg No. 5138



**Town of Canaan
Board of Selectmen
Regular Meeting
Tuesday, November 13, 2007 at 7:30 P.M.
Town Hall, 108 Main Street, Falls Village, CT 06031**

Present: First Selectman Patricia Allyn Mechare. Selectmen Peter G. Lawson and Charles H. Lewis
Also Present: G. Tracy Atwood and Terry Cowgill, *The Lakeville Journal*.

First Selectman Patricia Allyn Mechare called the Regular Board of Selectmen's Meeting to order at 7:33 P.M.

Public Comment: None

Approval of Pending Minutes:

P. Lawson made a motion to approve the minutes of the Monday, October 9, 2007 Regular Meeting as presented. P. Mechare seconded. Passed unanimously.

P. Lawson made a motion to approve the minutes of the October 31, 2007 Special Meeting as presented. C. Lewis seconded. Passed unanimously.

Treasurer's and Tax Collector's Reports:

The October 2007 Treasurer's Report and Tax Collector's Report were distributed. **C. Lewis made a motion to receive The Treasurer's and Tax Collector's Reports through October 31, 2007. P. Lawson seconded. Passed unanimously.**

Communications:

Written

- A flyer for the Cornwall Energy Fair, Saturday, Nov. 17th from 10 A.M. to 4 P.M.
- A letter regarding the CRRA suit indicating that the Town could receive several thousand dollars from the settlement; the judge has ordered CRRA to pay.

Oral - None

Reports:

A. Town Board/Commission Vacancies – Waiting for a recommendation from the RTC regarding the ZBA Alternate, in the case where a wrong name was printed on the ballot. The name should have been Dennis Jasmine, and not Jeffrey Jasmine.

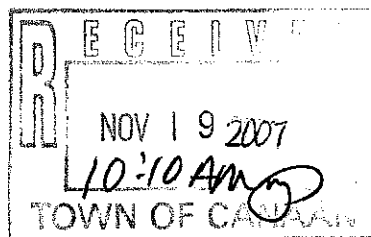
B. Swimming Pool – Wood for the pool building is being cut at Falls Village Saw Mill. Mechare attended a Recreation Commission meeting to present a timeline of activities related to the pool project over the past several years, bringing old and new members up to date.

C. Public Safety Emergency Planning Council – The October meeting was cancelled. Next meeting is November 28th. Twenty towns are in the Public Safety Task Force.

D. COG Meeting – No meeting this month.

E. Johnson Road/Rt. 7 Feeder Grant Project – Paver Cocchiola's offer for a financial resolution, regarding the compaction level deficiency noted by the DOT was not acceptable to the State. They are prepared to levy an approximately \$8,500 fine and the Town is withholding \$7,500 in payment to Cocchiola Paving until the matter is resolved satisfactorily. Negotiations continue.

I CERTIFY THIS TO BE A TRUE COPY OF THE MINUTES OF THE BOARD OF SELECTMEN MEETING OF NOVEMBER 13, 2007.
ATTEST: *Mary M. Palmer* MARY M. PALMER, TOWN CLERK
(SEAL)



F. STEAP Grant /FVVFD and 107 Main St. FVVFD – The Department of Public Safety had further questions and required some new information for the Emergency Services Center, as part of the extension being sought by the Town. Mechare has forwarded this information to them. 107 Main Street – The painting job was re-bid and accepted. Mechare received the one-bid waiver on each job to be done (painting, windows, clapboard, roof, etc.). K. Allyn has made a project and payment schedule that has gone to Town Counsel Brooks for review.

G. NWCT Regional Planning Collaborative – P&Z Member Ruth Skovron and Pat have been working together notifying other towns that plan will take part in this. The new website is: www.nwctplanning.org. Upon questions from P. Lawson, Mechare reiterated that there are no plans for the collaborative to come to the member towns for money, if the funding grant is unsuccessful.

Old Business:

A. Rental 107 Main Street – An emergency pipe-leak was discovered and repaired in a timely way by Perotti Plumbing on the tenant's opening day. Electrician Ron Carpenter has capped the holes left by the previous tenant's sound system, and will bill him for the work required.

B. Cobble Road – The BOS met with the Inland Wetland/Conservation Commission at their request. Mechare responded to the Schrenk's recent letter and IW/CC Chairman W. Sinclair also wrote to them. The Town will probably need to have an engineer look at the road and decide how the *GeoWeb* should be laid out in summer 2008. The cost is yet to be determined.

C. Update Transfer Station – The cement pad for the required propane tank storage area is finished and Fred Palmer is working on the security fence.

D. Purchase of State-owned Land – 20 feet along RT 7 – The Town is working with the Fire Department to make this land available to them for the proposed Emergency Services Center access. The Town's cost for the land strip will be \$1,000. The BOF, at tonight's meeting, voted to send the matter to Town Meeting, as required; the P&Z must review Town land purchases. The DPS would like to take care of this as soon as possible.

E. Auditor's Report - Mike Zemaitis and Town Treasurer Linda Paviol need to confer further about the Pension Plan and then the audit findings and recommendations will be presented to the BOF at their December meeting.

New Business:

A.) Pistol Permit, Jeffrey Johnson – Mechare notes that everything required has been submitted to the State along with letters of recommendation. **P. Lawson made a motion to issue a pistol permit to Jeffrey Johnson. C. Lewis seconded. Passed unanimously.**

B.) Tax Refund – Upon the request of the Tax Collector, **C. Lewis made a motion to refund \$8.61 to Chris Tripler Tax List #2005/301205 for overpayment of MV Tax. P. Lawson seconded. Passed unanimously.**

C.) Resignation of Ashley DeMazza from D.M. Hunt Library Board of Directors – **C. Lewis made a motion to accept with regret the resignation of Ashley DeMazza, a Selectmen's appointee to 2010 from the D.M. Hunt Board. P. Lawson seconded. Passed unanimously.**

D.) Appointment of Board of Selectmen's Representative to D. M. Hunt Library Board of Directors – A written recommendation was not received by meeting time, but D.M. Hunt Board Member M. Lewis reported to the Selectmen that resident Karen Lindquist was voted as the new member to replace A. DeMazza at the Board's November meeting. **P. Lawson made a motion to appoint Karen Lindquist as a Selectmen's representative to the D. M. Hunt Board of Directors, filling out the term created by the resignation of Ashley DeMazza, through 2010. P. Lawson seconded. Passed unanimously**

E.) Transfer Station Hours for Holiday Weeks – The Station will be open Wednesday, December 26th, with two on duty, and Wednesday, January 2nd, with one on duty, to make-up for the

Tuesday holidays, December 25th and January 1st, for which the staff will receive holiday pay. The change in days/hours will be posted at the Transfer Station and Town Hall.

F.) Bulk Rate Mailing Permit-Use Request, Ladies Auxiliary – P. Lawson made a motion to approve use of the Town bulk rate mailing permit by the Ladies Auxiliary for their New Year's Eve Gala mailing. C. Lewis seconded. Passed unanimously. Without objection, the Selectmen agreed to allow nonprofit use of the permit with the First Selectman's permission, to be reported at the Selectmen's meeting following such action.

G.) CIRMA Policy Update – Mechare reported that because the Town has had no claims or injuries and has regular quarterly "Safety Update Meetings" with Jeff Grunt of CIRMA, the Town has been provided with several upgrades and expanded coverage amounts for our employees at no additional cost.

Other Business:

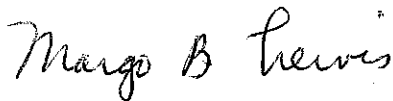
- Mechare reported that to comply with the new federal GASPE guidelines, the BOF must find another accountant, separate from the Town auditor and experienced in municipal accounting, to handle oversight of certain accounting for the Town. The BOF is making inquiries for proposals from various qualified accountants.
- C. Lewis inquired whether the two communication tower applications had been forwarded to the appropriate Town commissions for review and to allow time for public comment. Mechare noted that the CT Siting Council has not yet forwarded anything to us in writing regarding the proposed towers.

Adjournment:

C. Lewis made a motion to adjourn. P. Lawson seconded. Passed unanimously.

The Regular Meeting adjourned at 8:18 P.M.

Respectfully submitted,



Margo B. Lewis, Recording Secretary