

AFFIDAVIT OF SUSAN PAYNE

State of Connecticut ]  
                                  ]  
County of Litchfield ]

ss. *Washington*



CONNECTICUT  
SITING COUNCIL

SUSAN PAYNE being duly sworn deposes and says:

1. My name is Susan Payne. I live at 35 South Street, Washington, Connecticut.
2. I am Chairman of the Town of Washington Conservation Commission, a position I have held since 2002.
3. The Conservation Commission sought, and was granted, party status in Docket 378 before the Connecticut Siting Council.
4. Since the autumn of 2008 when the Conservation Commission received notice of the application by SBA that is the subject of Docket 378 to the date of this affidavit, my personal and work days have been disrupted by the need to serve the Town of Washington by assisting Diane Dupuis, chair of the Cell Tower Committee, in researching and documenting the issues presented by the SBA application as they relate to our town.
5. These issues included, but were not limited to: effect on scenic values; adverse environmental impact on fragile natural resources; research and documentation of effects on wetlands and wildlife habitats; research relating to the Meeker Swamp-Macricostas Preserve Ecosystem and documentation of same; obtaining DEP documentation of the Natural Diversity Database areas there; reviewing and copying the Yale Macricostas Management Plan; researching migratory bird paths, stopovers and habitats of state listed species; mapping Bee Brook and the Shepaug River in relation to the proposed sites; studying the impact of a tower on the pristine viewscape of Lake Waramaug, a CT Cultural Heritage Lake; mapping and documenting Washington's largest aquifer; critical habitat areas; and 422a protected farmland.
6. My own involvement in Docket 378 and activities relating to preparation to participate in the hearing on this docket included, but were not limited to: discussing these issues with our First Selectman and other officials of the town, including our own Commission; contacting state officials, Senator Andrew Roraback and Representative Arthur O'Neill; contacting the Washington Environmental Council, Housatonic Valley Association, and area land trusts; reviewing maps; extensive travel throughout the town and surrounding communities to view the two balloon floats (in both November and June); reading of the application and the endless materials filed with the Siting Council by the applicant and other parties; preparation of cross-examination of the applicant; preparation of letters, including notice of intent to become a party; preparation of briefs and filings; personally multiple copying, filing and serving pre-filed testimony; and attendance at a site visit to the Tanner Farm and two sessions of the public hearing on Docket 378, including all related travel.

7. I am a volunteer serving the public. My days are otherwise spent in gainful employment as development director of the Roxbury Land Trust and head of my own fundraising business, Payne Associates. In addition to being chairman of Conservation Commission I serve on the boards of the Lake Waramaug Association, Weantinoge Heritage Land Trust and Susan B. Anthony Project of Torrington, CT. My evenings are spent on personal business and time with family.

8. Having to defend the rights of the citizens of the Town of Washington and their interests through the Town's Conservation Commission was required the moment SBA began its municipal consultation period on the proposed Site A, and has consumed considerable personal and professional time since the process began in the autumn of 2008. The municipal consultation period on Site B was defective, but we were also required to defend the Town's interests against that site, since the Council failed to recognize the Town's right to a sixty-day consultation review period of Site B.

9. In order for the Town of Washington and its Conservation Commission to fulfill its obligations to residents of the Town of Washington, we had to participate in this docket formally, and we had to prepare for and provide all formal filings in keeping with diligent defense of the Town's rights and interests according to the rules of the Siting Council, in spite of the extensive demand on our time and the inadequate review time or notice of filing deadlines. The burden of having to make, file and serve large numbers of copies of every item was both time-consuming and costly.

10. I personally have spent time researching the impact of the two proposed sites, reading the immense amount of material submitted under Docket 378, meeting very short deadlines, preparing pre-filed testimony, attending two balloon floats and a site visit on May 21<sup>st</sup>, attending two lengthy formal hearing sessions, and investing a great deal of time in preparation for the hearings, including but not limited to preparing cross examination of the applicant, and preparing my own direct case.

11. I took time off from work and my clients to attend the balloon tests, site visit, and two lengthy public hearing sessions and to prepare documents for formal filings.

13. These preparations include substantial time in support of the Cell Tower Chairperson on behalf of my Town to defend the rights of the residents of Washington, who should have a fair hearing of their concerns about the proposed SBA application.

14. I have been personally and professionally materially injured both financially and in terms of irreplaceable time, by having been required to defend the rights of my Town and Townspeople and myself, once the Siting Council entertained the Application and opened Docket 378. I participated to the degree described above, because the alternative would have meant waiver of fundamental, substantive and procedural rights.

Sworn to before me  
This 29 day of June, 2009

*Victoria M. Cherniske*  
Notary Public

*Susan Payne*  
Susan Payne

