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Chairman

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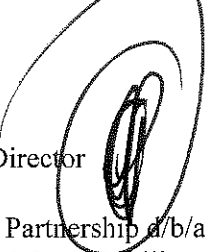
Internet: ct.gov/csc

DATE: August 16, 2010

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 402** - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located at 16 Bell Road Extension, Cornwall, Connecticut.



Enclosed please find a copy of the post-hearing briefs of Frederic I. Thaler and Kathleen Mooney electronically sent to our office on August 13th and August 15, 2010.

SDP/RDM/laf

Enclosures (2)

Fontaine, Lisa

From: FRED THALER [fthaler@snet.net]
Sent: Friday, August 13, 2010 8:27 AM
To: CSC-DL Siting Council
Subject: For the Public Record Docket 402
Attachments: I am Frederic I.doc

Sirs,

Please find attached the words I had written to be spoken by me on July 20th 2010.

I am submittiing what I was not able to say for the Public record.

Sincerely,

Frederic I. Thaler

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AUG 13 2010
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I am Frederic I. Thaler.

I reside at 66 Popple Swamp Road in Cornwall Bridge CT, with Kathleen my wife and Sam my son 12, Emily 19 is in college home for the summer and Lucia 22, is now living in NYC and is a college student. This property has been in my family for 32 years.

I am grateful to be here and hope to give and receive information and understanding.

My property is situated downhill, downstream from the new construction and along the entire length of the access road. Indeed I presume have a right to access all along my adjacent property using this road.

I have read the documents, and I am impressed.

But I need to know what impact it all will have on the downhill, the downstream, the adjacent property.

Being a retired teacher, a counselor, and now an active antiques dealer I know I don't know what my rights are and what I must do for this hearing. I have consulted with counsel, and am looking forward to learning more here.

Robert Fisher, of Cramer and Anderson, Kathleen and I met July 12th for a consultation, and we came up with a few important questions and a few observations, and I might add a subjective consideration.

My questions are formed as statements.

AS in:

There is no A2 survey on file in the Town for the Gulliver property.

The survey that is A2 shows that my property crosses onto the road.

Is this OK. Is this legally questionable.

There are easements indicated for some of the proposed road.

Are there agreements/easements with Collins as well as Haller?

There is no documentation indicating whether new or old agreements/easements exist.

In one section of the proposed construction, a wetland is to be filled. One thousand feet of fill. The plan indicates that the fill is up to my property line. I assume, though not an engineer, fill to a property line might have an impact on the drainage pattern. If so I do not see that addressed in the plan.

Do I need to hire an engineer to deal with this possible run off? Do I need to hire an engineer to let me know if there will be that possibility? Do I need to hire an engineer to let me know if it is a probability and that other like probabilities.

This past Wed July 14th a soil scientist and an independent soil engineer were invited by the town to examine the soils and proposed roadway, along with members of the town government and various town commissions.

According to old maps and surveys there was a seasonal brook that crosses the old highway, the current driveway. There is indicated, as well a seasonal pond. The soil scientist this last Weds commented that it is probably a vernal pool. But, if it is and if it contains endangered species an examination in early spring is necessary.

And finally I will indulge in a subjective consideration.

I understand that the CSC to adjudge whether a site, this site is necessary, allowable, and doable.

In particular, this site is adjacent to State Forest, and is in the Housatonic Historical District.

These areas were established to preserve areas with certain aesthetics in mind. We are the custodians of these areas of preservation.

That the proposed tower is to be built so that it would not be seen in the Forest preserves, is notable.

But in conversation, this petitioner has indicated that five towers were thought needed to cover the Cornwalls. If for example ATT cannot piggy back on to this tower do they build their own tower? Do we then have a possible six towers, this a town of 1400 residents. Do we become the area in the state that has greatest number of towers for the fewest in population?

I know that our town has tried to engage in a dialogue to solve the problems of our special and specific location. Cellco is interested in

building towers not in solving the problems that are specific to this area. There are hills and valleys, streams and rivers that present engineering challenges.

The Siting Counsel is concerned with the legalities of it, questions important, is the site necessary, allowable, and doable, the logos. But we function with understandings of ethos and pathos, what is ethical and what is aesthetically pleasing. Rhetoric, the study of how man conveys meaning and persuades is understood to be a fuller experience than simple justice, "just logos."

Can these other considerations be included? What plan is fashioned for this particular town with its unique place, location, and sense of preservation of nature and the natural state, in and for this State.

Thank you.

Fontaine, Lisa

From: FRED THALER [fthaler@snet.net]
Sent: Sunday, August 15, 2010 8:47 AM
To: CSC-DL Siting Council
Subject: Public Recorde RE Docket 402
Attachments: Re 402 kathleen Mooney response.docx

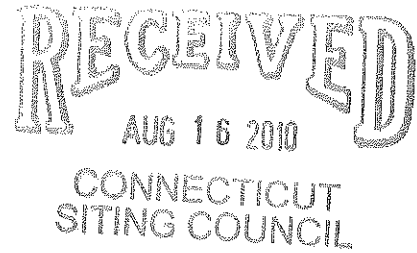
I am submitting the attached on behalf of my wife Kathleen Mooney.

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8/16/2010

Re: Docket # 402

CSC Hearing July 20, 2010



I have to go on record regarding the events of July 20, 2010.

My husband, Fred Thaler and I filed as intervenors to speak against the suitability of 16 Bell Road Extension, Cornwall Bridge Ct. as a cell tower site.

We arrived at 2 PM for the hike up the 20% grade Mine Mountain abutting State Forest to see the site.

There was mention of wetlands on both sides of the road, "sterile" spotted salamander eggs. There was mention of a thousand square feet of fill on our side of the road. I requested an introduction to the members and was told that would occur at the meeting at 3 PM. The impact of the wetlands was inquired about and minimized by saying the culvert and fill would have no significant impact on the wetlands to the east of our property. When asked what permanent impact is, it was described as changing the course of water and dispensing it through fill onto our property. This is adjacent to a vernal pool on our property.

When we got to the top of the mountain we observed the mooring for the balloon. It was pointed out that the line for the balloon was snagged in the branches above making it fly lower. The line was let out an additional 20 feet. When we went down to our cars someone went up and pulled the balloon back down to the original marker on the string.

In the parking lot we were told to arrive around 3:30 because the council had other business to attend to.

We came to speak. After introductions and explanations of functions the members of the council asked questions and voiced concerns about the access road, grade of this road, maintenance, fills, wetland impact, impact on the environment and ability to withstand tornado strength winds. The people from Verizon/Cellco said they had addressed all of these issues.

Our first Selectman, Gordon Ridgway was the first intervenor, representing the town of Cornwall. He was interrupted and treated in a dismissive manner. The chairman inquired as to why he was concerned with runoff onto our property and the absence of an A2 survey. Did that affect the town in some way? Why was he concerned with us? He said it would be a problem if there was unclear ownership of the property proposed for the site access road.

As to questions of suitability the council said all these issues were addressed. Their main concern seemed to be whether this access road was a town road or not. The chairman was dismissive about maintenance issues and basically questioned the validity of the selectman's questions.

The council gave Verizon/Cellco the home work of finding out the significance of the Upper Housatonic Heritage Corridor before the 7:00 PM meeting and was this site in the overlay area.

By then it was 5:20 and we were informed that it was time for dinner since the only place they could find to eat was in Kent.

The 7:00 PM meeting was started at around 7:20. Verizon/Cellco and all members of the public were seated waiting for the Siting Council members. The executive Director Phelps asked intervenors, two neighbors, to come into the hallway and explained to us that the public would speak before us and we were not to interrupt the public speakers and that we would be asked to testify in the end of the meeting if there was time. If not we would be invited to another meeting, at another time and location if possible. I objected and was assured that I would be able to state my questions.

Elaine La Bella was prepared and spoke eloquently.

Despite cautions to be brief and not to cover material that was already common knowledge. She graciously complied. I will ask her to foreword her concerns. Two other citizens voiced their concerns.

Fred and I were asked to introduce ourselves and speak.

Fred had prepared a list of thoughts and questions. He was interrupted by the chairman mid sentence and told that the chairman had no idea what he was talking about and did Fred have a question?

The effect was so intimidating that it was difficult to form a thought even using notes. Fred asked about time for preparation. We were not allowed on the site until the Wednesday before the meeting to bring the town soil scientist and a neighbor's soil engineer to examine the site.

We stated our need to have our property examined as the property downhill containing the wetlands and swamp directly affected by runoff. The chairman asked us if we really wanted to spend money duplicating Verizon's report. I said this was not the same property. None of the proposals from any previous meetings or this one included complete wetland maps of the area.

When, my husband brought up the impact on our property and the lack of easements, and the lack of a soil report analyzing our property he was interrupted repeatedly. I finally asked if they were using our property or going onto our property because they did not have an easement. They said they did not intend to go onto or use any one else's property subject to an A2 survey. They said if it did cross our property they would shift the road to get it away from our property.

The state Forest land was not listed as abutting property until this meeting on July 20, 2010.

Fred was accused of interrupting and chastised for making it difficult to transcribe the meeting. Did we really want it unclear what was transpiring in the meeting? It is clear from the transcript that Fred was the one being interrupted.

I decided not to make my statement for the sake of brevity and only asked two questions. Why Verizon/Cellco refused to enter into dialogue with our local government to locate suitable sites for cell towers in this sensitive area? I was told that Cellco had been in discussion since 2000 and had examined numerous sites, and then the Government Relations Officer Sandy Carter corrected herself, saying 2007. I am assuming that this might be the same group that looked at the site in 2000 and were told it was unsuitable. In fact other sites were cursorily examined after the Bell Road Extension site was selected and under contract for lease in Sept 2008. The property of the other side of the ridge, to the south had even steeper grades and so was rejected.

I stated that they seem to have tunnel vision for this site.

The commissioner kept interrupting me and I told him that I would stop speaking when I finished saying what I had to say.

I had one more question. How did Verizon/Cellco want to respond to the objections of AG Blumenthal to this site location?

Verizon Counsel Baldwin put his head in his hands and finally said he agrees to disagree with some of Blumenthal's concerns. That was the depth of the transparency in the answers.

I was asked if there was anything more I wanted to say. I said no and the chairman as an aside said to me "Then I'm going to suggest you guys get out of here while the getting is good, how's that." With a smile.

I was under the impression that the Siting Council was set up to represent the public and investigate with due diligence, not serve the corporate interests. As the chairman stated, The FCC gives rights and fair opportunity for every communication company to expand its coverage. The statement was in response to the concept of shared facilities and minimizing impact on the community and environment.

In response to investigating the Upper Housatonic Heritage Corridor the Verizon/Cellco representative said that they believed that this area was set up for educational purposes and there are no restrictions on development or construction. This needs to be investigated. I supplied a map of the corridor showing the site overlay.

This is a partial but heartfelt report. When I returned to one neighbor said that they wouldn't have been able to endure the treatment without crying. Another said it was the theater of the absurd.

It was indeed a kangaroo court. I was on trial not Verizon/Cellco. I do not wish to discredit the other members of the Siting Council who seemed considerate and concerned. Chairman Caruso gives a very bad impression as the spokesperson and I was surprised at the acceptance of his behavior by other members of the council and the representatives of Verizon/Cellco.

Truly disgraceful.

Thank you

Kathleen Mooney

66 Popple swamp Road

Cornwall Bridge CT 06754

