4/6/2012

To: CT Siting Council

10 Franklin Square

New Britain CT 06051

From: Robert and Cathleen Alex

Evergreen Berry Farm

435 Bassett Road

Watertown CT 06795

Re: Dockett 422

Dear Chairman Stein and members of the Siting Council,

 On April 5th, 2012 the Applicants New Cingular Wireless, PCS, LLC and North Atlantic Towers filed its Objection to Admission by the Siting Council of a certain Post Hearing Exhibit of Robert and Cathleen Alex. We respectfully respond and oppose the Applicant’s objections to admitting their own Federal Communication Commission (FCC) Form 620 submitted to the CT State Historic Preservation Office (SHPO) January 8, 2010 to satisfy the Applicants’ review in accordance FCC regulations implementing the National Environmental Policy Act of 1969 (NEPA) and Section 106 of the National Preservation Act of 1966 (the Section 106 Process).

 Applicants’ objections to this exhibit if granted would effect prejudice our ability to substantiate our March 6th, 2012 Hearing Interrogatories and subsequent Proposed Findings of Fact with supporting references that were brought to the attention of the Siting Council at the hearing. Specifically, the Council was advised at the hearing that the office of Freedom of Information and the Attorney General’s office had been contacted prior to the Hearing to obtain documents pertinent to the original SHPO application to satisfy NEPA. As brought out at the hearing and detailed in our Findings of Fact the original FCC Form 620 was flawed in several ways including:

1) The address of tower site. Although the Applicants state they corrected the address with SHPO there is no indication that the information was corrected for the other notified parties including local Indian tribes, local government (Watertown Planning and Zoning Commission), and the Watertown town historian John Pillis. Also, the applicants solicited public involvement by a legal notice in the Town Times on December 3, 2009 that utilized the wrong address.

2) Parcel size incorrectly stated as a 176 acres when in fact the project site of 655 Bassett Road lies on a parcel of 51.53 acres.

4) Failure to note both listed and eligible historic properties despite access to two area historic maps

5) Presumed the Area of Potential Effect (APE) without consulting SHPO and subsequently the Roderick Bryant Nationally Listed home located at 867 Linkfield Road adjoining Gustafson Orchard lands was omitted from the APE.

6) Failure to certify with signature, date, and title the original document making it null and void.

 Flawed documents that lead to “no adverse effect” determinations in favor of the applicants that the responsible state agency (SHPO) also failed to review for completeness and accuracy cannot be considered irrelevant and immaterial to a case of this importance.

 We respectfully request that the document be allowed. Thank you for your consideration.

Cathleen Alex and Robert Alex

 Cc: Paul Jessell, Esq. @ Slavin Stauffacher &Scott LLC,

 27 Siemen Company Drive Suite 300W Watertown CT 06795

 Charles Frigon, Town Manager, 424 Main Street, Watertown, CT 06795

 Lucia Chiocchio @Cuddy & Feder, 445 Hamilton Ave, 14th Floor, White Plains NY 10601