

CLAUDE M. BROUILLARD

152 TOWN FARM ROAD
FARMINGTON, CONNECTICUT 06032
TELEPHONE (860) 778-5090
FAX (860) 232-4970
EMAIL: Claude.Brouillard@comcast.net

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Via Electronic Mail and Hand Delivery

June 15, 2009

S. Derek Phelps
Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

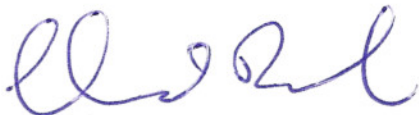
**Re: Docket No. 374 - Application of Cellco Partnership d/b/a Verizon
Wireless for a Certificate of Environmental Compatibility and Public
Telecommunications Facility at 199 Town Farm Road, Farmington, Connecticut**

Dear Mr. Phelps:

Enclosed are twenty (20) copies of the Post-Hearing Brief by Party Claude Brouillard in Support of Dismissal or Denial of the Application.

Please feel free to contact me if you have any questions or require additional information.
Thank you.

Sincerely,



Claude M. Brouillard

Enclosures

Copy to: Susan Edelson
Joey Lee Miranda
Sandy M. Carter

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

IN RE: :
: :
APPLICATION OF CELLCO PARTNERSHIP : DOCKET NO. 374
D/B/A VERIZON WIRELESS FOR A : :
CERTIFICATE OF ENVIRONMENTAL : :
COMPATIBILITY AND PUBLIC NEED FOR : :
THE CONSTRUCTION, MAINTENANCE : :
AND OPERATION OF A WIRELESS : :
TELECOMMUNICATIONS FACILITY AT 199 : :
TOWN FARM ROAD, FARMINGTON, : :
CONNECTICUT : June 15, 2009

POST-HEARING BRIEF BY PARTY CLAUDE BROUILLARD
IN SUPPORT OF DISMISSAL OR DENIAL
OF THE APPLICATION

Claude M. Brouillard (“CMB”), party in the above captioned proceeding, hereby moves for dismissal or denial of the application of Cellco d/b/a Verizon Wireless (“Cellco”) for a certificate of environmental compatibility and public need because the Applicant does not have a lease which primes CMB’s property rights in the proposed tower site.

CMB is the owner of the approximately 59-acre parcel of land and improvements thereon located at 152 Town Farm Road, Farmington, Connecticut known as the Farmington Polo Grounds. The Polo Grounds is a horse farm where horses are boarded, raised, trained, leased, bought, sold and shown and equestrians are trained. The Polo Grounds provide a scenic location for recreational activities for the public such as trail riding, camping, physical education, nature walks, sightseeing and the promotion of public events such as the Farmington Antiques Weekend, equestrian and other events. The Polo Grounds are being

developed to add an aquifer-sensitive floodable, indoor riding arena and stalls suitable for indoor polo and other equestrian events and activities so that schools such as Trinity College, Miss Porter's School, Avon Old Farms School and Farmington High School may develop equestrian and polo programs. In furtherance of those activities, CMB invested in the Simmons Family Farm by, among other things, entering into partnership with Ronald W. Simmons, Sr. and Frank Simmons pursuant to the Agreements dated May 4, 2007 placed into the Record by CMB in connection with his Request for Party Status. Ronald W. Simmons is the leasehold owner of the Simmons Family Farm pursuant to the Lease Agreement placed into the Record by the Filing of Susan Edelson with attachments dated May 4, 2009, as Exhibit 18. By virtue of his partnership CMB has direct and indirect legal and equitable interests in the Simmons Family Farm and its leasehold and freehold assets. Applicant has notice of these rights.

The Council conducted a public hearing regarding these matters in the evening of May 14, 2009. As the following transcript from the beginning of the proceedings makes clear, Chairman Caruso and the Edelsons assumed that the Applicant at that time had a lease of the proposed site:

.....

MS. MIRANDA: Thank you, Mr. Chairman. Just briefly, as laid out in the objection that we filed with respect to the admission of the documents and some of the testimony, the main -- the main issues are these (1) the -- some of the testimony and the exhibits that we have objected to deal with actions taken by the Town of Farmington in entering into lease with Cellco in the first instance. Those actions are not before this Council. The Council does not have jurisdiction over the actions taken by the town with respect to that lease and therefore -- and also the Council, as stated in Statute 16-50p, Subsection G, need not concern itself with the underlying property rights associated with an applicant's application. So therefore, those are not properly before the Council and we request that those items not be admitted into evidence in this proceeding...

CHAIRMAN CARUSO: So with respect to the issues of how or why the town entered into this lease is particularly it, right?

MS. MIRANDA: That and how they -- the town's actions during the 60-day municipal review process and anything associated with RF health effects.

CHAIRMAN CARUSO: Of course the town is only obligated to have -- to meet -- or the carrier is only obligated to meet with the chief elected official of any community --

MS. MIRANDA: Right --

CHAIRMAN CARUSO: -- and what they do thereafter is up to them.

MS. MIRANDA: That is correct.

CHAIRMAN CARUSO: Mr. Edelson, Miss Edelson, your reasons?

DR. EDELSON: Reasons for?

CHAIRMAN CARUSO: Well your rebuttal to their arguments that this should be excluded.

DR. EDELSON: Well, I understand that the leasing and the zoning arguments are -- I guess are not before your Council, I take it.

I was not aware of supplying any information concerning health effects, other than the one exhibit that I had that pertains to living in close proximity to a cellular antenna and being in line with it height-wise.

And as far as the public act goes, at the town meetings I was -- I thought that was a part of the 07-222 with regard to the application process, you know, and whether -- you know, a municipality has 60 days to offer any changes or questions concerning the placement of the tower.

CHAIRMAN CARUSO: Professor Tait.

MR. TAIT: I -- I think --

A VOICE: Do I get to -- do I also get to rebut?

CHAIRMAN CARUSO: Who are you?

MR. CLAUDE BROUILLARD: I'm Claude Brouillard, a party.

DR. EDELSON: Have a seat --

CHAIRMAN CARUSO: But they're not objecting to anything that you've submitted. So no.

MR. BROUILLARD: With regard to --

CHAIRMAN CARUSO: They're not objecting to anything that you've submitted.

MR. BROUILLARD: I'm sorry?

CHAIRMAN CARUSO: They haven't objected to anything that you've submitted....

MR. BROUILLARD: I'd like a chance to rebut counsel's position with regard to whether or not this Council can look at the acts of the town.

CHAIRMAN CARUSO: Please proceed.

MR. BROUILLARD: Counsel's interpretation of the relevant section, Subsection G, which provides that in making its decision as to whether or not to have -- to have a certificate -- to grant a certificate, the Council shall in no way be limited by the fact that the applicant may already have acquired land or an interest therein for the purpose of conducting -- constructing the facility, which is the subject matter of the application. The purpose of that section is so that the applicant can't say we already own this land, therefore it's easier for us to put it here. Therefore, you're directed as the Council -- that's not important. The idea is to put the facility where the best place is. And so the argument that you -- that the Council is powerless to look at the method by which the applicant obtained its property rights to this -- or actually I should say site control to this, is entirely relevant to this proceeding. You would want to know that they had site control, that it wasn't on Indian reservation, that you had power and jurisdiction. So they are mistaken when they say that you have no power to ask that question. Thank you.

.....

The Town of Farmington granted Cellco a mere option -- not a lease as the Council has been lead to believe (See Applicant's application dated January 23, 2009 attachment No. 14 -- Site Lease Agreement & Property Deed). This document is an option and not a lease. Furthermore, the option was entered into after CMB's property rights in the Simmons Family Farm were created. The Applicants' proposed site therefore, is "not available" and their

Application should be dismissed or denied. For the Council to act otherwise would constitute a taking without just compensation.

Respectfully Submitted,



Claude M. Brouillard
152 Town Farm Road
Farmington, CT 06032
(860) 778 - 5090
(860) 232 - 4970 fax
cbrouillard@comcast.net

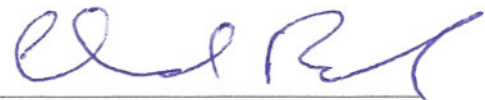
CERTIFICATION

I hereby certify that on the 15th day of June 2009, a copy of the foregoing was sent via electronic mail and mailed, postage prepaid, to:

Susan Edelson
11 Belgravia Terrace
Farmington, CT 06032
(860) 677 - 1263
(860) 793 - 2219
dmd92east@aol.com

Joey Lee Miranda, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597
(860) 275 - 8200
(860) 275 - 8299 fax
kbaldwin@rc.com

Sandy Carter, Regulatory Manager
Verizon Wireless
99 East River Drive
East Hartford, CT 06108
Alexandria.carter@verizonwireless.com



Claude M. Brouillard