

CONNECTICUT SITING COUNCIL

PETITION OF NEW CINGULAR)
WIRELESS PCS, LLC (“AT&T”) TO THE)
CONNECTICUT SITING COUNCIL FOR A) PETITION NO. 1010
DECLARATORY RULING THAT NO)
CERTIFICATE OF ENVIRONMENTAL) FEBRUARY 15, 2012
COMPATIBILITY AND PUBLIC NEED IS)
REQUIRED FOR THE PROPOSED)
INSTALLATION OF A CONCEALED)
TOWER ON A WATER TANK AND)
RELATED FACILITIES LOCATED AT A)
WATER TREATMENT PLANT AT 455)
VALLEY RD., GREENWICH, CT)

PRE-FILED TESTIMONY OF PETER B. JANIS

Q1. Please state your name and address.

A1. Peter B. Janis

Q2. How close do you live to the subject property at 455 Valley Road?

A2. My property is directly across the street from the subject property.

Q3. Have you fully reviewed this Petition 1010 which has been filed by AT&T?

A3. Yes.

Q4. After reviewing this Petition 1010, do you have any concerns about AT&T’s proposal?

A4. Yes. I have many very serious concerns about this Petition 1010.

Q5. Can you describe each concern that you have about the Petition 1010?

A5. First, I am concerned about the health risk to my children and my family. There seems to be no clear proof that the cell tower being about 150 feet from my children's bedrooms will not have an adverse effect on their health and well being.

Second, I am very concerned about the structural capacity of the water tank. For example, on the field visit I noticed the foundation around the water tank was cracked and damaged. To date, AT&T has not presented any engineering reports which seem to confirm that the roof, walls and foundation of the water tank will be able to definitely bear the weight associated with the proposed tower.

Third, I am very concerned about the potential for the adjacent and nearby public water sources being contaminated if AT&T's back up generator spills any fuel on the subject property. During the February 9, 2012 evidentiary hearing, AT&T's experts could not confirm the power source for a back up generator and AT&T's experts testified that it was possible that fuel could spill into the adjacent and nearby water ways and public water sources if there was a fuel spill. I believe that the recent fuel spill resulting from a back up generator on King Street that is owned by Verizon Wireless confirms that it is reasonably possible that this type of a fuel spill could take place on the subject property. The Verizon site had a back up system and safeties in place that were supposed to make such a spill impossible. I realize that AT&T has suggested that a back up battery would be used in the event of a power loss, however, that back up battery would only provide power for approximately eight (8) to twelve (12) hours. Just in the past few years we have lost power ranging from about one (1) day to up to nine (9) days. In these cases, AT&T will end up using a fuel powered back up generator.

Fourth, another concern for me is that I have a hearing loss that makes it hard for me to cross the street. I wear bilateral hearing aids and I have to listen closely to make sure know one is coming. Because there is a blind hill south of our driveway it makes it even more difficult. I am concerned about additional traffic that will result from the construction and future servicing of the tower.

Q6. What information or evidence have you discovered which supports any of the concerns that you have about this Petition 1010?

A6. With regard to the water tank, I viewed cracks and what appeared to be further damage. Furthermore, AT&T has not presented the engineering reports which are necessary in order to confirm that the roof, walls and foundation of the water tank will be able to definitely bear the weight associated the tower.

With regard to the potential for a fuel spill that would contaminate the adjacent and nearby waterways and public water sources, within the last month there was a fuel on a similar telecommunications site which resulted in approximately 900 gallons of diesel fuel spilling into streams and ponds. I believe that this further substantiates my concern about a fuel spill at the subject property.

Q7. Based upon the information, evidence and testimony that you have observed so far, do you think that the Connecticut Siting Council should approve or deny this application?

A7. Based on what I have observed so far, I think that the Connecticut Siting Council needs to deny this application.

Q8. If the Connecticut Siting Council were to approve this Petition 1010, do you think that the approval should require any changes to what AT&T has proposed so far?

A8. Yes.

Q9. What changes do you suggest?

A9. The proposed tower should be reduced by at least ten (10) feet. It should be fully screened by trees and plants. Any radio frequencies should be pointed away from the surrounding homes to protect them from unnecessary radiation. The Connecticut Siting Council should restrict AT&T, or any future telecommunications company at the subject property, from using any power source, even for temporary use, that is powered by any fuel whatsoever. There should be a restriction set on the hours of the day during which AT&T, or any future telecommunications carrier, is allowed to have any employees or independent contractors perform any work, maintenance or other service at the subject property.

I Peter B Janis, duly sworn, hereby verify that this statement was prepared by me or under my direct supervision and is believed to be true and accurate to the best of my knowledge and belief.



Peter B Janis

Date

2-14-12

The above signed, Peter Janis , personally appeared before me and verified that the above pre-file testimony for the Connecticut Siting Council is true and accurate and that he adopted it by his free act and deed on this 14th day of February.




Commissioner of Superior Court

~~Notary Public~~

~~My Commission expires~~

RESPECTFULLY SUBMITTED BY:

**LEE HIGGINS, KAORI HIGGINS,
PETER JANIS, ELIZABETH JANIS,
RICHARD KOSINSKI & SUSAN KOSINSKI**

BY: 

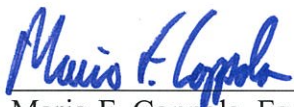
Mario F. Coppola, Esq.
Berchem, Moses, and Devlin, P.C.
27 Imperial Avenue
Westport, CT 06880
Tel: 203-227-9545; Fax: 203-226-1641
Email: mcoppola@bmdl.com
Their Attorneys

CERTIFICATE OF SERVICE

This is to certify that on the above date a true copy of the foregoing has been sent both electronically and by U.S. Mail, first-class, postage pre-paid, to the following parties of record:

Ms. Linda Roberts, Executive Director, Connecticut Siting Council, 10 Franklin Sq., New Britain, CT 06051 (1 original, 15 copies, plus 1 electronic)

New Cingular Wireless, PCS, LLC (AKA – AT&T), Christopher Fisher, Esq. Cuddy & Feder, LLP, 445 Hamilton Avenue, 14th Fl., White Plains, NY 10601



Mario F. Coppola, Esq.