

February 21, 2010

Re House Bill 5213 AN ACT CONCERNING THE SITING COUNCIL: *To authorize the Connecticut Siting Council to impose civil fines and award attorney fees and costs to opposing parties when it determines that the petitioner has misrepresented or omitted material facts.*

Dear Senator Fonfara, Representative Nardello and Members of the Energy and Technology Committee,

I, Susan Payne of Washington CT, **fully support HB 5213**, and in fact I do not think it goes far enough to protect due process and the rights of local citizens and municipal governments in relation to the cell tower application process administered by the CT Siting Council, which is funded by the fees of the telecommunications industry and thus is not an impartial body working in the best interests of the citizens of the State of CT.

Because of the mandate for "seamless cell coverage" Washington and the towns of the NW Corner are under assault by the telecommunications industry. Given the topography of the region, cell towers are proliferating and destroying our traditional, rural New England environment.

As Chairman of Washington's Conservation Commission, with a standing Cell Tower Committee since 2001, we volunteers have to defend the rights of the citizens of Washington and their interests when a cell tower application is being explored and then proposed. We must be constantly on alert.

In autumn 2008 SBA began its municipal consultation period on two proposed sites (A & B) on the Tanner Farm, Warren, on Washington townline. Site A was on farmland for which the State had purchased the development rights – a fact the applicants denied knowing. The municipal consultation period on Site B was defective, since the Council failed to recognize the Town's right to a sixty-day consultation review period of Site B. Throughout this application we were subjected to misinformation by the applicant's representatives in multiple meetings, correspondence and public hearings.

Through summer 2009, until Docket 378 was withdrawn by SBA, I and the Cell Tower Committee chairperson, Diane Dupuis, took considerable time off from our jobs to attend the balloon tests, site visit, two lengthy public hearing sessions, hearings at the Council in New Britain and to prepare the mounds of documents for formal filings, at considerable expense (some \$2,000) to the Town of Washington. I was 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, once the Siting Council opened Docket 378. This investment of personal time and the Town's resources was necessary, because the alternative would have meant waiver of fundamental, substantive and procedural rights.

No time was lost, SBA was back again in late 2009 considering a 2nd site near the Tanner Farm, on-Couch Road. Again considerable time was spent reviewing materials and working with the neighborhood as there were legal issues regarding the proposed access way. This application was not formally filed because SBA had not done its homework.

I respectfully request the Senate and House of Representatives of the General Assembly to approved HB 5213.

Susan Payne, Chairperson, Conservation Commission, Town of Washington, Washington, CT 06793

All testimony relating to CT Siting Council Docket 378 is public record.