

Meeting Minutes
Meeting of April 23, 2009

A meeting of the Connecticut Siting Council (energy/telecommunications) was held on Thursday, April 23, 2009, in Hearing Room One, Ten Franklin Square, New Britain, Connecticut. The meeting was called to order with a quorum present by Daniel F. Caruso at 2:03 p.m.

Council Members Present:

Judge Daniel F. Caruso
Chairman
Brian Golembiewski
(designee for Commissioner McCarthy)
Gerald J. Heffernan
(designee for Commissioner Downes)
Philip T. Ashton

Colin C. Tait (arrived on item #4 DO 366)
Vice Chairman
Barbara Currier Bell
Daniel P. Lynch, Jr.
James Murphy
Edward S. Wilensky

Staff Members Present:

S. Derek Phelps
Executive Director
Fred O. Cunliffe
Supervising Siting Analyst
Melanie Bachman
Staff Attorney
Christina Walsh
Siting Analyst

Robert D. Mercier
Siting Analyst
David Martin
Siting Analyst
Michael Perrone
Siting Analyst

Recording Secretary:

Lisa Fontaine

Minutes of April 7, 2009.

Mr. Ashton moved to approve the Minutes of April 7, 2009; seconded by Dr. Bell. The motion passed with Mr. Lynch abstaining.

DOCKET NO. F-2009 - Connecticut Siting Council Review of the Ten-Year Forecast of Connecticut Electric Loads and Resources. Schedule. Request for Party/Intervenor Status.

No action was taken on the proposed schedule for this docket.

Mr. Murphy moved to approve party status to the Department of Public Utility Control; seconded by Dr. Bell. The motion passed unanimously.

DOCKET NO. 225 - Kleen Energy Systems, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a Electric Generating Facility and Switchyard on River Road, Middletown, Connecticut. Motion for Modification of the Decision and Order Pursuant to Connecticut General Statutes § 4-181a. Schedule.

Mr. Murphy moved to approve the reopening of this docket pursuant to Connecticut General Statutes § 4-181a for the limited purpose of determining if changed conditions related to a revised route for the oil pipeline justify a modification of the Decision and Order; seconded by Mr. Heffernan. The motion passed unanimously.

Mr. Murphy moved to approve the schedule per staff recommendations with a hearing in New Britain on June 18, 2009; seconded by Mr. Heffernan. The motion passed unanimously.

DOCKET NO. 366 - Optasite Towers LLC and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 52 Stadley Rough Road in Danbury, Connecticut. Draft Findings of Fact, Opinion, Decision and Order, and Conclusions of Law.

Mr. Ashton moved that the Council adopt the draft Conclusions of Law; seconded by Mr. Heffernan. The motion passed with Mr. Murphy, Dr. Bell, and Mr. Heffernan voting no.

Chairman Caruso requested a written vote on the record with Mr. Tait, Mr. Lynch, Mr. Wilensky, Mr. Golembiewski, Mr. Ashton, and Chairman Caruso voted in favor of approving the Conclusions of Law, and Mr. Murphy, Dr. Bell, and Mr. Heffernan voted no.

Mr. Murphy moved to approve the Draft Findings of Fact, Opinion, and Decision and Order; seconded by Dr. Bell. The motion passed with Mr. Golembiewski, Mr. Lynch, and Mr. Tait voting no.

Chairman Caruso requested a written vote on the record with Mr. Murphy, Dr. Bell, Mr. Wilensky, Mr. Heffernan, Mr. Ashton, and Chairman Caruso in favor of granting a Certificate for the proposed telecommunications facility, and Mr. Golembiewski, Mr. Lynch, and Mr. Tait voting no.

DOCKET NO. 369 - 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 off Sherman Road, Woodstock, Connecticut. Draft Findings of Fact, Opinion, and Decision and Order.

Mr. Murphy moved to approve the Draft Findings of Fact, Opinion, and Decision and Order; seconded by Dr. Bell. The motion passed with Mr. Ashton abstaining.

Chairman Caruso requested a written vote on the record with Mr. Tait, Mr. Murphy, Dr. Bell, Mr. Lynch, Mr. Wilensky, Mr. Golembiewski, Mr. Heffernan, and Chairman Caruso in favor of granting a Certificate for the proposed telecommunications facility, and Mr. Ashton abstaining.

The applicant was commended for responding, prior to the Council's receipt of the application, to the Town of Woodstock's request for an alternate site; and the Town of Woodstock was commended for their understanding of the need for coverage and their cooperation with the applicant and neighbors to secure a preferred, more suitable location.

DOCKET NO. 370 – Consolidated proceeding pursuant to the Connecticut Energy Advisory Board (CEAB) Request for Proposal (RFP) process under C.G.S. §16a-7c. Original application: The Connecticut Light & Power Company application for Certificates of Environmental Compatibility and Public Need for the Connecticut Valley Electric Transmission Reliability Projects which consist of (1) The Connecticut portion of the Greater Springfield Reliability Project that traverses the municipalities of Bloomfield, East Granby, and Suffield, or potentially including an alternate portion that traverses the municipalities of Suffield and Enfield, terminating at the North Bloomfield Substation; and (2) the Manchester Substation to Meekville Junction Circuit Separation Project in Manchester, Connecticut. Competing application: NRG Energy, Inc. application pursuant to C.G.S. §16-50(a)(3) for consideration of a 530 MW combined cycle generating plant in Meriden, Connecticut. Schedule.

Mr. Ashton moved to approve publishing and circulating the proposed schedule per staff recommendations; seconded by Mr. Wilensky. The motion passed with Mr. Lynch abstaining.

DOCKET NO. 378 - SBA Towers II, LLC application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located at one of two sites on Rabbit Hill Road, Warren, Connecticut. Request for Party/Intervenor Status.

Mr. Ashton moved to approve Party status to Ray and Maryellen Furse; seconded by Mr. Murphy. The motion passed unanimously.

Mr. Ashton moved to approve Party status to the State of Connecticut Department of Agriculture; seconded by Mr. Murphy. The motion passed unanimously.

Mr. Murphy moved to approve Party status to the Concerned Residents of Warren and Washington (CROWW); seconded by Mr. Ashton. The motion passed unanimously.

Mr. Ashton moved to approve Party status to the Town of Washington Conservation Commission; seconded by Mr. Murphy. The motion passed unanimously.

Mr. Ashton moved to acknowledge that the current schedule of this docket is legally sufficient and should proceed as stated, and that the municipalities' review process has been satisfied with no further action necessary as requested by certain parties; seconded by Mr. Heffernan. The motion passed unanimously.

Mr. Murphy moved to deny the request by the Town of Washington Conservation Commission to order an environmental impact study on this docket; seconded by Dr. Bell. The motion passed unanimously.

Mr. Ashton moved to deny the Concerned Residents of Warren and Washington's request that the statutorily required consultation with specific state agencies include a direct personal face-to-face meeting; seconded by Mr. Wilensky. The motion passed unanimously.

Mr. Phelps commented that during the Pre-Hearing Conference on this docket, Ray and Mary Ellen Furse, CROWW, and Conservation Commission stated their inability to provide their pre-filed testimony one week prior to the May 21, 2009 hearing date. Because of this, Mr. Phelps proposed extending the deadline to May 26, 2009 for those parties which would coincide with a continued hearing on June 2, 2009 at the Council's office.

DOCKET NO. 379 - SBA Towers II, LLC application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located at 12 Burr Road, Bloomfield, Connecticut. Completeness Review, Schedule, Custodian of the Docket, Deposition of the Transcript, Request for Party/Intervenor Status.

Mr. Ashton moved to approve the application as complete and approve the schedule for processing the docket as per staff recommendations, the appointment of Jessica Brito as custodian of the docket, the deposition of the transcript in the Town of Bloomfield, and a public field review and hearing in Bloomfield on Thursday, July 9, 2009; seconded by Mr. Wilensky. The motion passed unanimously.

Mr. Murphy moved to approve intervenor status to Cellco Partnership d/b/a Verizon Wireless; seconded by Mr. Lynch. The motion passed unanimously.

DOCKET NO. 380 - Bay Communications, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut. Request for Party/Intervenor Status.

Mr. Heffernan moved to approve intervenor status to Cellco Partnership d/b/a Verizon Wireless; seconded by Dr. Bell. The motion passed unanimously.

PETITION NO. 855 – The Connecticut Light and Power Company petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed modifications to an existing substation in the Town of Litchfield and City of Torrington, Connecticut. Amendment to Decision.

Mr. Wilensky moved to approve the Amendment to the Decision; seconded by Mr. Lynch. The motion passed unanimously.

PETITION NO. 892 - The Connecticut Municipal Electric Energy Cooperative (CMEEC) petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the installation and operation of a 2.5 megawatt electric generator and associated equipment located at 31 School Street, Jewett City (Griswold), Connecticut. Decision.

Mr. Murphy moved to approve this petition with the conditions that the erosion and sedimentation controls be employed during the construction process to protect the nearby wetlands; and that the applicant submit a final landscaping plan for Council review and approval; seconded by Mr. Heffernan. The motion passed with Dr. Bell voting no.

PETITION NO. 893 - The Connecticut Municipal Electric Energy Cooperative (CMEEC) petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the installation and operation of two 2.5 megawatt electric generators and associated equipment on each property located at 57 Salem Turnpike, 145 Old Salem Road and 10 Wisconsin Avenue in the Town of Norwich, Connecticut. Decision.

Mr. Murphy moved to approve this petition; seconded by Mr. Ashton. The motion passed with Dr. Bell voting no.

TS-VER-152-090326 - Cellco Partnership d/b/a Verizon Wireless request for an order to approve tower sharing at an existing telecommunications facility located at 51 Daniels Avenue, Waterford, Connecticut.

Mr. Ashton moved to approve Cellco Partnership d/b/a Verizon Wireless request for an order to approve tower sharing at this existing telecommunications facility with the conditions that the coax lines be configured per Figure 1 of the structural analysis report dated March 3, 2009 and sealed by Christopher Michael Murphy, P.E.; and that the Council be notified in writing that the coax was configured as specified; seconded by Mr. Heffernan. The motion passed unanimously.

Administrative Matters.

The stealth tree tower presentation will be rescheduled.

Mr. Phelps announced that Congressman John Larson will be supporting the Henry Waxman Bill, which opposes federal take-over of electric transmission siting.

Mr. Tait requested that Mr. Phelps set a date for the Council subcommittee reviewing the Revised Application Guides for Renewable Energy to meet within 10 days.

Mr. Phelps also alerted the Council that staff will be developing a required Environmental Justice Policy which will be placed on a future Council meeting for review and adoption.

Chairman Caruso announced that the next energy/telecommunications meeting is scheduled for Thursday, May 7, 2009, at 2:00 p.m., in Hearing Room One. Other calendar dates were also discussed.

Adjournment.

Mr. Ashton moved to adjourn the meeting at 4:14 p.m.; seconded by Mr. Heffernan. The motion passed unanimously.

Respectfully submitted,

Daniel F. Caruso
Chairman

DFC/laf