

**Meeting Minutes**  
**Meeting of July 16, 2009**

A meeting of the Connecticut Siting Council (energy/telecommunications) was held on Thursday, July 16, 2009, in Hearing Room Two, Ten Franklin Square, New Britain, Connecticut. The meeting was called to order with a quorum present by Daniel F. Caruso at 2:05 p.m.

**Council Members Present:**

Judge Daniel F. Caruso Chairman	Colin C. Tait Vice Chairman
Brian Golembiewski (designee for Acting Commissioner Marrella)	Barbara Currier Bell
Philip T. Ashton	Daniel P. Lynch, Jr.
Edward S. Wilensky	James Murphy

**Council Members Absent:**

Wayne V. Estey  
(designee for Commissioner DelGobbo)

**Staff Members Present:**

S. Derek Phelps Executive Director	Robert D. Mercier Siting Analyst
Melanie Bachman Staff Attorney	David Martin Siting Analyst
Christina Walsh Siting Analyst	Michael Perrone Siting Analyst

**Recording Secretary:**

Lisa Fontaine

**Minutes of June 4, 2009.**

Mr. Wilensky moved to approve the Minutes of June 4, 2009; seconded by Dr. Bell. The motion passed unanimously.

**Minutes of June 29, 2009.**

Mr. Wilensky moved to approve the Minutes of June 29, 2009; seconded by Mr. Ashton. The motion passed with Mr. Lynch abstaining.

**DOCKET NO. 374 - 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 at 199 Town Farm Road, Farmington, Connecticut. Draft Findings of Fact. Request to Reject Late Filed Exhibits.**

Mr. Tait moved to approve the admission of Party Susan Edelson's late filed exhibits and denied the Applicant's Request to Reject Late Filed Exhibits; seconded by Mr. Ashton. The motion passed unanimously.

After reviewing the draft Findings of Fact, Chairman Caruso polled the Council members with Mr. Tait, Mr. Murphy, Dr. Bell, Mr. Lynch, Mr. Wilensky, Mr. Golembiewski, and Mr. Ashton in favor of granting a Certificate for the proposed telecommunications facility, including a 110-foot tower disguised as a monopine with an overall height of 117 feet.

Chairman Caruso directed staff to draft a favorable Opinion and Decision and Order to be reviewed at the next meeting.

**DOCKET NO. 375 – New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 85 Paper Mill Road, Woodbury, Connecticut. Draft Findings of Fact.**

After reviewing the draft Findings of Fact, Chairman Caruso polled the Council members with Mr. Tait, Mr. Murphy, Dr. Bell, Mr. Lynch, Mr. Wilensky, Mr. Golembiewski, and Mr. Ashton unanimously in favor of granting a Certificate for the proposed 150-foot telecommunications facility.

Chairman Caruso directed staff to draft a favorable Opinion and Decision and Order to be reviewed at the next meeting.

**DOCKET NO. 376 - New Cingular Wireless PCS, LLC (AT&T) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 24 Dinglebrook Lane, Newtown, Connecticut. Draft Findings of Fact.**

After reviewing the draft Findings of Fact, Chairman Caruso polled the Council members with Mr. Tait, Mr. Murphy, Dr. Bell, Mr. Lynch, Mr. Wilensky, Mr. Golembiewski, and Mr. Ashton unanimously in favor of granting a Certificate for the proposed 150-foot telecommunications facility.

Chairman Caruso directed staff to draft a favorable Opinion and Decision and Order to be reviewed at the next meeting.

**DOCKET NO. 378 - SBA Towers II, LLC application (withdrawn on June 8, 2009) 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. Department of Agriculture Motion to Dismiss; CROWW's Motion to Dismiss; Washington Conservation Commission Motion to Dismiss and Request for Costs; Furse Motion to Dismiss and Request for Costs; CROWW's Motion to Reconsider Prohibition of Direct and Redirect Examination of Party Witness; CROWW's Motion to Reject SBA's Voluntary Withdrawal and to Dismiss SBA's Application with Prejudice and Costs; Town of Washington Conservation Commission Motion for Ruling that No Cell Tower Such as the Proposed Under this Application may be Constructed on 422a Restricted Land; Town of Washington Conservation Commission Motion for Ruling Acknowledging that the Council does Affect Property Rights and in Future will Require Proof of Bona Fide Title to Land for Activities of the Kind Proposed in any Application Presented to the Council before the Council will Proceed to Act on the Application or Open Any Proceeding On It.**

Mr. Ashton moved to deny the Department of Agriculture's Motion to Dismiss on the basis that this case is moot, having been withdrawn by the applicant; seconded by Dr. Bell. The motion passed unanimously.

Mr. Ashton moved to deny CROWW's Motion to Dismiss on the basis that this case is moot, having been withdrawn by the applicant; seconded by Dr. Bell. The motion passed unanimously.

Mr. Ashton moved to deny Washington Conservation Commission's Motion to Dismiss and Request for Costs on the basis that this case is moot, having been withdrawn by the applicant, and the Council has no statutory authority to award attorney's fees or costs under Public Utility Environmental Standards Act (PUESA); seconded by Dr. Bell. The motion passed unanimously.

Mr. Ashton moved to deny Furse's Motion to Dismiss and Request for Costs on the basis that this case is moot, having been withdrawn by the applicant, and the Council has no statutory authority to award attorney's fees or costs under PUESA; seconded by Dr. Bell. The motion passed unanimously.

Mr. Ashton moved to deny CROWW's Motion to Reconsider Prohibition of Direct and Redirect Examination of Party Witness on the basis that this case is moot, having been withdrawn by the applicant; seconded by Dr. Bell. The motion passed unanimously.

Mr. Ashton moved to deny CROWW's Motion to Reject SBA's Voluntary Withdrawal and to Dismiss SBA's Application with Prejudice on the basis that this case is moot, having been withdrawn by the applicant, and the applicant has a right to withdraw its application; seconded by Dr. Bell. The motion passed unanimously.

Mr. Ashton moved to deny Washington Conservation Commission's Motion for Ruling that no cell tower such as that proposed under this application may be constructed on 422a restricted land, and acknowledging that the Council does affect property rights and in future will require proof of bona fide title to land for activities of the kind proposed in any application presented to the Council before the Council will proceed to act on the application or open any proceeding on it on the basis that this case is moot, having been withdrawn by the applicant, and the Council does not have statutory authority to make such rulings; seconded by Dr. Bell. 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 47 Garrett Ridge Drive, New Hartford, Connecticut. Draft Findings of Fact, Opinion, and Decision and Order.**

After reviewing the draft Findings of Fact, Opinion, and Decision and Order, Mr. Ashton moved to table this item until information is received from the town in regards to concerns expressed by the Metropolitan District Commission and the Department of Public Health, specifically the installation of guardrails on the bridge and maintenance of the road; seconded by Mr. Tait. The motion passed with Mr. Lynch abstaining.

**DOCKET NO. 381 - New Cingular Wireless PCS, LLC (AT&T) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 27 Gungy Road/ 322 Beaver Brook Road, Lyme, Connecticut. Completeness Review, Schedule, Custodian of the Docket, Deposition of the Transcript, Request for Party/Intervenor Status. Motion for Protective Order.**

Mr. Wilensky moved to table this item until a hearing date can be secured; seconded by Dr. Bell. The motion passed unanimously.

**PETITION NO. 896 - 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 proposed installation of four 2.5 megawatt emergency generators at two locations, adjacent to existing electrical substations and infrastructures located at 1268 Poquonnock Road, and 170 Gary Court in the Town of Groton, Connecticut. Decision.**

Mr. Murphy moved to take this item off the table; seconded by Mr. Ashton. The motion passed unanimously.

Mr. Murphy moved to approve this petition with the conditions set forth by the Town in their letter to the Council dated July 15, 2009, with the exception of condition 5 on page 2 of the letter concerning the Gary Court location; seconded by Mr. Ashton. The motion passed unanimously.

**PETITION NO. 901 - 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 MW electric generators and associated equipment located at 37 Camp Moween Road, Lebanon, Connecticut. Decision.**

Mr. Murphy moved to take this item off the table; seconded by Mr. Lynch. The motion passed unanimously.

Mr. Wilensky moved to approve this petition with the following conditions requested by the Town of Lebanon:

- A copy of the Spill Prevention Control Countermeasure Plan (to protect the Yantic River) be submitted to the Town of Lebanon and the Council;
- No signage shall be placed outside of the project's perimeter fence;
- Light sources shall not be visible from adjoining properties or Camp Moween Road;
- Site trees shall be six to eight feet tall evergreens and the number shall be increased by at least eight trees to be planted around the northeast face of the perimeter fence; and
- A copy of the generator information package, specifically regarding the 4,000-gallon storage tank, shall be submitted to the Lebanon Fire Marshall for review.

The motion was seconded by Dr. Bell and passed unanimously.

**PETITION NO. 904 - The Connecticut Light and Power Company petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for proposed modifications to an existing CL&P substation located at 109 Olcott Street, Manchester, Connecticut. Decision.**

Mr. Lynch moved to approve this petition; seconded by Dr. Bell. The motion passed unanimously.

**PETITION NO. 905 - New Cingular Wireless PCS, LLC petition for a Declaratory Ruling that no Certificate of Environmental Compatibility and Public Need is Required for the temporary placement of a cell on wheels (COW) at 1114 East Putnam Avenue, Greenwich, Connecticut. Decision.**

Mr. Wilensky moved to approve this petition; seconded by Mr. Lynch. The motion passed unanimously.

**PETITION NO. 906 - 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 of an existing 0.8 mile single-circuit 345-kV transmission line (circuit #353) segment between the CL&P Middletown Junction and Kleen Energy in Middletown, Connecticut. Decision.**

Mr. Ashton moved to approve this petition; seconded by Mr. Tait. The motion passed unanimously.

**PETITION NO. 908 - Youghioghney Communications-Northeast, LLC d/b/a Pocket Communications petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed modifications to an existing telecommunications facility located at 389 Forbes Avenue, New Haven, Connecticut. Decision.**

Mr. Ashton moved to table this item to review the concerns of a local resident; seconded by Mr. Lynch. The motion passed unanimously.

**PETITION NO. 909 - Cellco Partnership d/b/a Verizon Wireless petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the extension of an existing telecommunications facility located at 138 Main Street, Coventry, Connecticut. Decision.**

Mr. Golembiewski moved to approve this petition; seconded by Mr. Ashton. Upon discussion, Dr. Bell moved to table this petition until the town could be reached for comment; seconded by Mr. Lynch. The motion passed with Mr. Ashton voting no.

**TS-POCKET-064-090513 - Youghiogheny Communications-Northeast, LLC d/b/a Pocket Communications request for an order to approve tower sharing at an existing telecommunications facility located at 920 Maple Avenue, Hartford, Connecticut.**

Mr. Ashton moved to take this item off the table; seconded by Mr. Murphy. The motion passed unanimously.

Mr. Murphy moved to approve this tower sharing request with the following conditions:

- The recommendations in Section IV of the chimney inspection report performed by International Chimney Corporation shall be performed prior to the antenna installation;
- Not more than 45 days after completion of construction, a signed letter from a Professional Engineer duly licensed in the State of Connecticut shall be submitted to the Council to certify that the recommendations were properly completed;
- The applicant shall take steps to mitigate the generator noise and ensure compliance of applicable noise standards while the temporary generator is in place until permanent utility connections are installed; and
- An updated structural analysis taking into account the temporary microwave dish shall be submitted to the Council prior to the installation of such dish on the tower.

The motion was seconded by Dr. Bell and passed unanimously.

**TS-METROPCS-152-090616 - MetroPCS New York, LLC request for an order to approve tower sharing at an existing telecommunications facility located at 13 Industrial Drive, Waterford, Connecticut.**

Mr. Ashton moved to approve MetroPCS New York, LLC request for an order to approve tower sharing at this telecommunications facility; seconded by Dr. Bell. The motion passed unanimously.

**TS-T-MOBILE-152-090618 - Omnipoint Communications, Inc. a.k.a. T-Mobile 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 Omnipoint Communications, Inc. a.k.a. T-Mobile request for an order to approve tower sharing at this telecommunications facility with the following conditions:

- The coax shall be installed per Figure 1 of the structural analysis report dated June 4, 2009 and sealed by Christopher Michael Murphy, P.E.;
- Not more than 45 days after completion of construction, the Council shall be notified in writing that the coax was installed as specified.

The motion was seconded by Mr. Tait and passed unanimously.

**Administrative Matters.**

Mr. Phelps discussed the evidentiary hearing dates scheduled for Docket 370 in July, as well as the anticipated procedure.

**Adjournment.**

Mr. Ashton moved to adjourn the meeting at 4:56 p.m.; seconded by Dr. Bell. The motion passed unanimously.

**Respectfully submitted,**

**Daniel F. Caruso**  
**Chairman**

DFC/laf