

Meeting Minutes
Meeting of September 23, 2010

A meeting of the Connecticut Siting Council (energy/telecommunications) was held on Thursday, September 23, 2010, 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 2:26 p.m.

Council Members Present:

Judge Daniel F. Caruso
Chairman
Brian Golembiewski
(designee for Commissioner Marrella)
Larry Levesque
(designee for Commissioner DelGobbo)

Colin C. Tait
Vice Chairman
Barbara Currier Bell
Daniel P. Lynch, Jr.
James J. Murphy, Jr.
Edward S. Wilensky

Council Members Absent

Philip T. Ashton

Staff Members Present:

Linda Roberts
Executive Director
Melanie Bachman
Staff Attorney
Christina Walsh
Siting Analyst

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

Recording Secretary:

Lisa Fontaine

Minutes of September 15, 2010.

Mr. Wilensky moved to approve the Minutes of September 15, 2010; seconded by Mr. Murphy. The motion passed with Mr. Lynch and Mr. Tait abstaining.

DOCKET NO. 354 - Cellco Partnership d/b/a Verizon Wireless Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located off of Old Baird Road, Watertown, Connecticut. Request for Extension.

Mr. Wilensky moved to approve a 12-month extension of time until November 8, 2011 to complete construction of this telecommunications facility; seconded by Mr. Murphy. The motion passed unanimously.

DOCKET NO. 373A - New Cingular Wireless PCS, LLC (AT&T) Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at the St. Matthew Lutheran Church, 224 Lovely Street, Avon, Connecticut. Draft Findings of Fact.

After reviewing the draft Findings of Fact, Chairman Caruso conducted a non-binding poll of the Council members with Mr. Tait, Mr. Murphy, Dr. Bell, and Mr. Wilensky in favor of the new proposed site; Mr. Golembiewski in favor of the new proposed site with a stealth monopine; and Mr. Levesque abstaining.

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

DOCKET NO. 391 - T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located 232 Shore Road, Old Lyme, Connecticut. Draft Findings of Fact, Opinion, and Decision and Order.

After reviewing the draft Findings of Fact, Opinion, and Decision and Order, Chairman Caruso requested a written vote on the record with Mr. Tait, Mr. Murphy, Dr. Bell, Mr. Lynch, Mr. Wilensky, and Mr. Golembiewski in favor of granting a Certificate for a telecommunications facility to be located at the Northern Alternative location, 232 Shore Road, Old Lyme; and Mr. Levesque abstaining.

DOCKET NO. 392 - T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located 387 Shore Road, Old Lyme, Connecticut. Draft Findings of Fact, Opinion, and Decision and Order.

After reviewing the draft Findings of Fact, Opinion, and Decision and Order, Chairman Caruso requested a written vote on the record with Mr. Tait, Mr. Murphy, Dr. Bell, Mr. Lynch, Mr. Wilensky, and Mr. Golembiewski in favor of granting a Certificate for the proposed telecommunications facility to be located at 287 Shore Road, Old Lyme; and Mr. Levesque abstaining.

DOCKET NO. 393 - T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located 61-1 Buttonball Road, Old Lyme, Connecticut. Draft Findings of Fact, Opinion, and Decision and Order.

After reviewing the draft Findings of Fact, Opinion, and Decision and Order, Chairman Caruso requested a written vote on the record with Mr. Tait, Mr. Murphy, Dr. Bell, Mr. Lynch, Mr. Wilensky, and Mr. Golembiewski in favor of granting a Certificate for a telecommunications facility, consistent with the agreement between T-Mobile and Black Hall Club, and located at 61-1 Buttonball Road, Old Lyme; and Mr. Levesque abstaining.

DOCKET NO. 396 - SBA Towers II, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 49 Brainerd Road, Niantic (East Lyme), Connecticut. Draft Findings of Fact.

After reviewing the draft Findings of Fact, Chairman Caruso conducted a non-binding poll of the Council members with Mr. Murphy, Mr. Lynch, and Mr. Wilensky in favor of granting a Certificate for a telecommunications facility at the SBA Hybrid site; Mr. Golembiewski, Dr. Bell, and Mr. Tait voting no; and Mr. Levesque abstaining.

Mr. Lynch moved to table this item until all voting Council members are present, if feasible; seconded by Mr. Wilensky. The motion passed with Mr. Levesque abstaining.

Recess.

Chairman Caruso called a short recess at 4:02 p.m. The meeting resumed at 4:15 p.m.

DOCKET NO. 402 - 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 16 Bell Road Extension, Cornwall, Connecticut. Discussion. Draft Findings of Fact.

Mr. Wilensky moved to take this item off the table; seconded by Dr. Bell. The motion passed unanimously.

Mr. Murphy moved to rescind a previous motion (made at the September 7, 2010 meeting) to issue interrogatories as it was determined that the requested information was already contained within the record; seconded by Mr. Tait. The motion passed unanimously.

Mr. Lynch moved to table consideration of the Findings of Fact; seconded by Mr. Murphy. The motion passed unanimously.

DOCKET NO. 404 - 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 28 Great Oak Lane (Redding Highway Department), Redding, Connecticut. Completeness Review, Schedule, Custodian of the Docket, Deposition of the Transcript, Request for Party/Intervenor Status.

Mr. Murphy moved to approve the application as complete and approve the schedule for processing the docket as per staff recommendations; the appointment of Lisa Fontaine as custodian of the docket; the deposition of the transcript in the Town of Redding; and a public field review and hearing in Redding on Tuesday, November 23, 2010; seconded by Dr. Bell. The motion passed unanimously.

DOCKET NO. 406 - United Illuminating Company application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 100 Marsh Hill Road, Orange, Connecticut. Completeness Review, Schedule, Custodian of the Docket, Deposition of the Transcript, Request for Party/Intervenor Status.

Mr. Murphy moved to approve the application as complete and approve the schedule for processing the docket as per staff recommendations; the appointment of Lisa Fontaine as custodian of the docket; the deposition of the transcript in the Orange, Milford and West Haven Town/City Halls; and a public field review and hearing in Orange on Tuesday, November 16, 2010; seconded by Dr. Bell. The motion passed unanimously.

PETITION NO. 957 - Bridgeport Fuel Cell Park, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed installation of a fuel cell generating facility located at Hancock Street, Bridgeport, Connecticut. Decision.

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

PETITION NO. 962 - The Clear Wireless LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for a ten-foot extension to an existing facility at 41 Padanaram Road, Danbury, Connecticut. Decision.

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

PETITION NO. 963 - The Connecticut Light and Power Company (CL&P) petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed modifications to the existing CL&P Waterside Substation located at 39 Amelia Place, Stamford, Connecticut. Decision.

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

TS-VER-124-100823 - Cellco Partnership d/b/a Verizon Wireless notice of intent to modify an existing telecommunications facility located at 6 Progress Avenue, Seymour, Connecticut.

Mr. Lynch moved to approve this request for tower sharing; seconded by Dr. Bell. The motion passed unanimously.

TS-CLEARWIRE-083-100824 - Clear Wireless LLC request for an order to approve tower sharing at an existing telecommunications facility located at 1825 South Main Street, Middletown, Connecticut.

Mr. Wilensky moved to table this tower sharing request until further information is received; seconded by Mr. Golembiewski. The motion passed unanimously.

TS-CLEARWIRE-011-100831 - Clear Wireless LLC request for an order to approve tower sharing at an existing telecommunications facility located at 811 Blue Hills Avenue, Bloomfield, Connecticut.

Mr. Murphy moved to approve this tower sharing request; seconded by Mr. Lynch. The motion passed unanimously.

TS-CLEARWIRE-051-100831 - Clear Wireless LLC request for an order to approve tower sharing at an existing telecommunications facility located at 2189 Black Rock Turnpike, Fairfield, Connecticut.

Dr. Bell moved to approve this tower sharing request; seconded by Mr. Lynch.

Upon discussion, Mr. Wilensky moved to table this item to allow further review; seconded by Mr. Tait. The motion passed unanimously.

TS-CLEARWIRE-080-100902 - Clear Wireless LLC request for an order to approve tower sharing at an existing telecommunications facility located at 21 West Peak Drive, Meriden, Connecticut.

Mr. Lynch moved to approve this tower sharing request. At the request of Chairman Caruso, Mr. Murphy moved to table this tower sharing request and to allow the Chairman and the Executive Director permission to handle an indirect situation before voting on this request; seconded by Mr. Golembiewski. The motion passed unanimously.

EM-CL&P-096-100903 - The Connecticut Light and Power Company notice of intent to modify an existing telecommunications facility located at 26 Chapin Road, New Milford, Connecticut.

There was discussion as to the appropriateness of filing this request as an exempt modification. Mr. Murphy moved to table this item to allow an interested abutter time to comment; seconded by Mr. Lynch. The motion passed unanimously.

Administrative Matters.

Ms. Roberts announced that the next energy/telecommunications meeting is scheduled for Thursday, September 30, 2010. Other calendar dates were also discussed.

Mr. Tait suggested that Council member review the draft Massachusetts Decision for Western Massachusetts Electric Company, EFSB 08-2/D.P.U. 08-105/08-106 (2010) to possibly incorporate applicable conditions used by the Massachusetts Siting Board into our Decision and Orders.

Adjournment.

Chairman Caruso adjourned the meeting at 4:50 p.m.

Respectfully submitted,

Daniel F. Caruso
Chairman

DFC/laf