

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

**NORTHEAST UTILITIES SERVICE  
COMPANY APPLICATION TO THE  
CONNECTICUT SITING COUNCIL  
FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY  
AND PUBLIC NEED (“CERTIFICATE”)  
FOR THE CONSTRUCTION OF A  
NEW 345-KV ELECTRIC TRANSMISSION  
LINE FACILITY AND ASSOCIATED  
FACILITIES BETWEEN SCOVILL  
ROCK SWITCHING STATION IN  
MIDDLETOWN AND NORWALK  
SUBSTATION IN NORWALK, INCLUDING  
THE RECONSTRUCTION OF PORTIONS  
OF EXISTING 115-KV AND 345-KV  
ELECTRIC TRANSMISSION LINES,  
THE CONSTRUCTION OF BESECK  
SWITCHING STATION IN  
WALLINGFORD, EAST DEVON  
SUBSTATION IN MILFORD, AND  
SINGER SUBSTATION IN BRIDGEPORT,  
MODIFICATIONS AT SCOVILL ROCK  
SWITCHING STATION AND NORWALK  
SUBSTATION, AND THE RECONFIGURATION  
OF CERTAIN INTERCONNECTIONS**

**DOCKET NO. 272**

**MARCH 11, 2005**

**PROPOSED FINDINGS OF FACT OF EZRA ACADEMY, CONGREGATION B’NAI  
JACOB, THE JEWISH COMMUNITY CENTER OF GREATER NEW HAVEN AND  
THE JEWISH FEDERATION OF GREATER NEW HAVEN**

**Statutory Framework**

1. Public Act 04-246 (the “Act”) is a legislative determination that the public must be protected from the effects of electromagnetic fields (“EMF”) emanating from high voltage transmission lines. It requires transmission lines be located underground to protect the specific list of areas identified by the Act unless it is affirmatively demonstrated to be technologically unfeasible. (Conn. Gen. Stat. § 16-50p).
2. Children are specifically intended to be the beneficiaries of this protection in order to avoid the increased risk of childhood leukemia from exposure to EMF. (Id.)

3. The line can only be sited overhead if adequate buffers are established to protect against EMF exposure. (Id.)
4. The Act identifies specific facilities which the Siting Council must take into consideration in establishing a buffer zone that protects the public health and safety, including private and public schools, licensed child care facilities, licensed youth camps, and public playgrounds (the “Statutory Facilities”). (Id.)

### **B’Nai Jacob/Ezra Campus**

5. Congregation B’nai Jacob is the only Conservative synagogue in Woodbridge. It is 123 years old. Since 1961, Congregation B’nai Jacob has been located at 75 Rimmon Road in Woodbridge. It has a membership of 683 families. In addition to Ezra Academy, Congregation B’nai Jacob is home to a 3-day-per-week religious school of 170 students, a daily nursery school of 65 students, a weekly high school program (“Makom”) of 400 students. It also hosts an active Boy Scout troop and a teen group (USY) that both meet at B’nai Jacob for activities that include “overnights.” (Prefiled Testimony of Waynick, et al. dated January 13, 2005 (“Waynick Testimony”).)
6. Congregation B’nai Jacob is a “cradle-to-grave” full-service community. Its nursery school is available to all children. It has a national award-winning religious school, the largest Jewish teen program in the state, and an array of adult and family activities. It holds twice-daily prayer services, and on Friday and Saturdays it is host to dozens of Bar/Bat Mitzvahs and other celebrations throughout the year. It has an active community theater group that uses its facilities to perform to sell-out crowds. Many of its celebrations attract crowds in excess of 800 people. In addition, it is one of the locations specified by the Town of Woodbridge for gathering in case of emergency. Other than Amity High School, it has one of the largest facilities for events in New Haven County. (Id.)
7. Ezra Academy is a regional Jewish day school affiliated with the National Solomon Schechter Day School Association and accredited by the Connecticut Association of Independent Schools. Founded in 1966, Ezra Academy has been located at Congregation B’nai Jacob for over 36 years. Ezra Academy is the only Conservative Egalitarian day school in the New Haven region and services children from 19 towns including: Bethany, Branford, Cheshire, Easton, Fairfield, Hamden, Milford, Naugatuck, New Haven, North Haven, Orange, Shelton, Southport, Stratford, Trumbull, Wallingford, West Haven, Westport and Woodbridge. Children attend Ezra Academy from grades kindergarten through eighth grade. This academic year 2004/2005, Ezra Academy has 227 students enrolled in its program. In addition there are over 45 employees at the school. (Id.)
8. Since 1968, Congregation B’nai Jacob and Ezra Academy have maintained a co-dependent relationship. Ezra Academy is a tenant of a portion of the property known as 75 Rimmon Road, Woodbridge (the “B’Nai Jacob/Ezra Campus”). In addition, Ezra Academy has made substantial capital improvements to the building’s facilities, including the construction of a gymnasium, science lab, library, classrooms and offices. Ezra Academy uses the B’nai Jacob sanctuary for daily religious prayer, gathers in the

Social Hall and Auditorium for programs, and inhabits the entire wing of the B'nai Jacob Religious School every weekday. (Id.)

9. The B'nai Jacob/Ezra Campus is best described by reference to a map attached as Exhibit A to Waynick Testimony. The side of the building closest to the current 115kv line houses the science lab, offices, gymnasium/lunchroom, kitchen, library, kindergarten and nursery classrooms. (Id.)
10. The B'nai Jacob/Ezra Academy Campus does not lend itself to a safety buffer that can with confidence bring EMF levels to background. (Id.)
11. The current 115-kV line right of way can be moved farther away from the buildings on the Campus. With respect to the West side of the Campus, where the nursery school playground, kindergarten classrooms and library are located, the B'nai Jacob/Ezra Campus abuts a residential property. Even if the proposed transmission line is moved far away from the buildings on the B'Nai Jacob/Ezra campus, which house the private school and a licensed child daycare facility, the proposed overhead power lines cannot be placed a safe distance from such facilities on the West side of the Campus. (Id.)
12. With respect to the North side of the Campus, where Ezra Academy's playgrounds, picnic area and science lab are located, there is undeveloped land immediately to the north of the B'Nai Jacob/Ezra campus. If the power lines on the northern side of the B'Nai Jacob/Ezra campus were moved onto that adjoining parcel of land, the power lines could be placed a safe distance from the Statutory Facilities on the B'Nai Jacob/Ezra campus. (Id.)
13. The undeveloped adjacent parcel is currently owned by a David Reis (the "Reis Parcel"). The existing power line and the proposed new 345-kV power line both pass over the Reis Parcel. Thus, if the proposed power line where it passes to the north of the B'Nai Jacob/Ezra Campus was moved onto the Reis Parcel, it would be a safer distance from the Statutory Facilities on the B'Nai Jacob/Ezra Campus and would, to the extent it was on the Reis Parcel, be on a parcel that is already encumbered by the right of way of the existing power line as well as the planned new 345-kV power line and, since it is on undeveloped land, would not impact on any residential area or other developed use of the Reis Parcel. (Testimony of Susan Birke Fiedler, January 20, 2005.)
14. If the proposed transmission lines are not placed a safe distance from the Statutory Facilities on the B'Nai Jacob/Ezra Campus, the implications are potentially fatal for Congregation B'nai Jacob. Most of the Congregation's budget derives from membership dues. Congregation B'nai Jacob could not afford a decline in membership. Congregation B'nai Jacob and Ezra Academy share the expenses of maintaining the facility. If Ezra Academy is forced to vacate the premises, then B'nai Jacob could not independently afford the operating budget. The proposed new lines, if not placed at a safe distance, could result in the demise of Congregation B'nai Jacob. (Waynick Testimony.)
15. Ezra Academy's operating budget is dependent upon tuition, dues and contributions from its members and supporters to survive. For the academic year of 2004-2005, Ezra Academy has a multi million dollar operating budget. A majority of its budget is used to

pay for salaries and benefits to its 45 employees. A significant decrease in enrollment at Ezra Academy would adversely affect the financial viability of the school. (Id.)

16. New Haven County has one of the largest Jewish communities in Connecticut. This is due in large measure to the many programs and institutions that service Jewish life in the community. The B'nai Jacob/Ezra Campus plays a major role in the Jewish community as the location for a large synagogue, day school, nursery, after school religious program, Hebrew high school, Boy Scout troop and youth groups. The Campus is also the location for many events and community activities. The demise of this Campus as a place where parents could safely send their children would cause irreparable harm to the vibrancy of overall Jewish life in New Haven County. (Id.)

### **Jewish Community Center**

17. There is an existing CL&P right-of-way across the property of the Jewish Community Center of Greater New Haven (the "JCC") on which there are currently 115-kV power lines. That right-of-way and those power lines go right through the middle of the JCC property. The JCC's main building, which is 106,000 square feet and cost approximately \$10,000,000 to build, is 45 feet from the edge of the CL&P right-of-way. The portion of the JCC building closest to the power lines and the right-of-way is the wing of its building that is used for Yeladim. Yeladim is the day care and pre-school program that provides services from 7:00 a.m. in the morning to 6:00 p.m. at night for 125 children as young as three months and as old as five years. The program runs year round, five days a week. Two playgrounds associated with that program are located just outside that wing of the main building. The playgrounds are also approximately 45 feet from the edge of the right-of-way. (Prefiled Testimony of Witkin dated January 13, 2005 ("Witkin Testimony).)
18. A second very important part of the JCC facility is its summer camp. This camp facility is on the other side of the right-of-way. It consists of an in-ground swimming pool and in-ground wading pool, a building next to the pools that serves as a bathroom/changing facility and recreation activity center, and a base camp that is used for group activities, storage of camper belongings and the lunch area. There are also picnic areas, playing fields, trails and other areas of our property that are used in conjunction with the summer camp. (Id.)
19. The JCC serves members who reside in 48 towns and cities throughout Connecticut. In addition to its Yeladim and camp programs, the JCC provides after-school vacation day care to children, and educational/recreational opportunities for adults. The JCC currently counts 3,599 children under the age of 18 among its members. Of those children, 388 were enrolled in summer camp last year. The JCC operates an after-school program in which 119 children regularly participate. In addition, it operates the day care center, referred to as Yeladim, in which 125 children are enrolled. The JCC also runs enrichment programs for 719 children. Exhibit A to the Witkin Testimony is a site plan which shows the location of buildings, the power line easement, ball field, outdoor pool, play grounds, basketball courts, nature trails, outdoor day camp facilities, outdoor day care facilities and recreational areas. (Id.)

20. As shown on Exhibit A, the current power lines dissect the campus of the JCC. The edge of the right-of-way is approximately 45 feet from the daycare center playgrounds and classroom facilities of the JCC. The edge of the right-of-way is approximately 90 feet from the ball field and approximately 40 feet from the day camp/base camp. (Id.)
21. The JCC is dependent upon memberships, tuitions, program fees and contributions by supporters to survive. Its annual budget is \$5.2 million. It has run a significant operating deficit for the last five years. Only through special contributions from members of the community has it been able to cover that deficit and keep its facility operating. (Id.)
22. Both Yeladim and the JCC summer camp are major sources of revenue for the JCC. Without that revenue, the JCC could not operate, and without a replacement source of that revenue, the JCC would have to close down. (Id.)
23. At the JCC campus it is not possible to move the power lines farther away from the main building without destroying the use of our Camp. In fact, one alternate route that was presented to the Siting Council by the Applicants proposed that the power lines be moved away from the main building and put directly over the camp. That proposal is not feasible. It is self-evident that a camp cannot be operated under power lines. It may even be a violation of law. EMF levels are highest under the power lines so it cannot be a feasible alternative to place the very power lines of concern immediately over a camp where children are going to be present throughout the day. (Id.)
24. Moving the power lines farther away from the main JCC building would reduce the problems for those using the main building, including the Yeladim day care center and the playground attached thereto. However, that is only possible if the day camp is moved. (Id.)
25. One of the Applicants, Northeast Utilities or its affiliate CL&P, owns property adjacent to the JCC campus. It may be a viable solution to have the Applicants move the JCC day camp onto the CL&P's property so that the power lines can be placed where the existing day camp is now located and farther away from the main JCC building. (Id and Testimony of Deborah Witnik on January 20, 2005.)

### **Proposed Undergrounding from Norwalk to Milford**

26. Neither the Applicants nor any other party or intervenor has placed into the record information concerning the location or nature of Statutory Facilities in the vicinity of the portion of the proposed 345 kv transmission lines between Norwalk and Milford over the route of such lines if they were constructed overhead, and not underground.

EZRA ACADEMY, CONGREGATION  
B'NAI JACOB, THE JEWISH COMMUNITY  
CENTER OF GREATER NEW HAVEN AND  
THE JEWISH FEDERATION OF GREATER  
NEW HAVEN

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Service is hereby  
certified to all parties and  
Intervenors on this agency's  
Service list.

    /s/ David R. Schaefer      
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