

January 16, 2003

Present: Selectmen: Elaine Luckey, Nick Solley, Harry Wyant

Guests: Linda & Paul Frank, Diane Dupuis, Ellen Tracy, Alan Chapin, John Hart, John DeFeo, Henry Martin

Press: David Lombino, Litchfield County Times

First Selectman Elaine Luckey called the meeting to order at 4:44 p.m.

Guests:

Cell Towers: Linda Frank reported the Conservation Commission had met to review the Cell Tower Subcommittee's Draft Report and agreed upon some variations of the Draft. They felt the priorities from the community had not been addressed; and that health issues be of primary concern, followed by the impact on wildlife and the visual impact to the community. They will communicate this through a letter to the Selectmen and the Zoning Commission. (It was noted that the Federal Communications Commission had made the decision that health issues were not to be addressed by the State Siting Council.)

Ellen Tracy thanked the Cell Tower Subcommittee for their Report but noted her concern had increased after reading it. She felt while the Report made a statement, it becomes complacent; and that the focus had been placed on esthetics rather than the health and welfare of the citizens. She noted the proposed Rabbit Hill Road tower site is located in one of the two most densely populated areas in the 202 corridor and is in a critical natural resource habitat according to the Washington Natural Resources Inventory. She did not feel the subcommittee had spent much time on health issues; and that by not educating themselves on these issues, it exposes residents to higher degrees of radiation. She noted while the 1996 FCC regulation 704 preclude towns from turning down applications because of health information, it does not state that these cannot be taken into consideration. She did not feel the two locations that AT&T proposes are the best and the Town should be insistent on using the best locations.

Letters were received from Valerie Cooper and Jean Chapin and read into the minutes. (attached)

Nick noted he had not seen a geological survey showing where the tower is in relation to the residents. He felt it was about 3,000 feet from the Montessori School and would like to see how many homes are in proximity. Hank Martin felt this information would also be valuable to the Zoning Commission and suggested all information be presented at the Zoning public hearing, which is the place to communicate concerns and present comments. This would then be submitted to the Siting Council and AT&T wireless.

Nick also questioned the discussion of density along the 202 corridor. Ellen felt the Rabbit Hill Road area was perhaps second in density.

Diane Dupuis questioned what effect the Subcommittee's Report would have as she did not feel it was as far-ranging as it should be and was from a limited viewpoint. However, she did understand their charge was to find alternative sites. The Report will be entered into the minutes at the Zoning Commission hearing on the matter of the New Preston Steeple site. She also noted the consultant was not an engineer and questioned how he had been chosen, as she felt an engineer should have been used. Elaine reported the consultant had worked with NWCOG in an advisory capacity on communication systems and came highly recommended. Diane's main concern was the manner in which the Rabbit Hill Road site was treated and felt the Town should be looking at sites with less environmental and health impact. She felt the New Preston firehouse would be a better site because of the aquifer at Meeker Swamp. Nick did not

feel it was the Conservation Commission, the Zoning Commission, nor the Board of Selectmen's job to find other sites for towers. Diane submitted a copy of her letter to the Planning Commission. (attached)

John Hart reported he is one of the three residents who live within the fall zone of the proposed tower. He reported the consultant had advised him that the Town should take an aggressive stand against this site and come up with a plan for alternative sites. He also noted the Town of Warren had asked the Siting Council to stop the clock until environmental studies are completed and that the Rabbit Hill neighbors would like the Board of Selectmen to do the same in an attempt to join with Warren in reviewing the entire area.

John Defeo suggested the Town become pro-active and find other sites. Since we cannot argue the issue of health before the Siting Council, it should motivate us to find another angle to get the towers moved to open space and away from where people live. Nick noted finding open space is not that simple since the tower companies are targeting a specific amount of acreage in the Route 202 corridor. John felt just because the tower company want it there, it did not necessarily mean this has to be. He felt it is better to fight and lose than not to fight at all.

Ellen Tracy reported the communications companies have the technology to use telephone poles and Sprint has admitted to the Siting Council that their next site is the area of the Route 47 and 109 intersection in the Depot.

Elaine noted her appreciation that the Zoning Commission had taken a lead role and has scheduled two public hearings, which AT&T will attend. Hank Martin reported the Zoning Commission had not hired an engineer for the Route 109 site. Rather, this had been done through the generosity of the Washington Environmental Council. From a Washington perspective, the only point of view was visual for this proposal. The proposed tower would be located more than a half mile from any dwelling and the Town of Washington's main concern was esthetics. Also, the tower would not be located within the Town of Washington. The other two proposals, however, are different. One is in the center of New Preston and the second one lies near dwellings on Rabbit Hill Road. The Zoning Commission has not planned to hire an engineer for the Rabbit Hill Road site. They do plan to hire an attorney for a possible site at the New Preston firehouse. This would require the approval of an additional budget appropriation but would be needed to negotiate a lease and have discussions regarding the use of this site as a possible alternative if AT&T showed interest.

John Hart suggested an independent survey is needed. Hank Martin felt that was a good point but felt the Siting Council is pretty savvy as they have sited hundreds of towers throughout the state and they have the staff to review the information.

Again, it was reiterated that the public should attend the Zoning public hearing, state their concerns and present written communication, which would be included in a brief for the Siting Council. The Selectmen noted their concern and thanked the residents for their input.

Minutes: Nick Solley made a motion to approve the minutes of the January 2, 2003 meeting as submitted. Harry Wyant seconded the motion and the motion was unanimously passed.

Appointments: Ronald Chute was appointed as an alternate to the Historic District Commission to 1/1/2005.

Old Business:

Clean Air Act: Elaine reported she had not signed on to support the Attorney General's challenge against the Environmental Protection Agency due to the uncertainty of costs involved. A cost of \$10,000 is

projected to become an intervener as a group, but it was uncertain how many towns would share these costs. Several towns in the Northwestern Council of Governments were also interested in supporting this effort. Further information will be sought.

U.S. Census Report: A response has been received to the Town's query regarding the number of housing units reported in the 2000 Census. The Town had submitted a revised count in September of 2001, including a complete list of all housing units by address, a comparison to the Census count and the difference found in each Block. Through this review, the Town found 2,098 housing units as compared to the Census Bureau's 1,764, which equated to an increase of 334 housing units (18.9%). The Census Bureau reported they had reviewed the Town's documentation and their research found they had erred in the geographic assignment of housing units in various census tracts and blocks within the towns of New Milford, Roxbury and Woodbury. They reported these housing units are now correctly located in census tract 2671 in various blocks within the town of Washington. In addition, they identified housing units that were erroneously included in Census 2000 due to processing errors.

The Census Bureau's official statement reported they have increased the Town's housing units from their original 1,764 to 1,788 (24 units) and population from 3,596 to 3,639 (43 people). It was agreed there remains a wide discrepancy in the housing count and a substantial effort was put forth by the Town to arrive at an accurate count. The Town will pursue this matter further.

Additions to the Agenda: Elaine Luckey made a motion to add additional matters to the posted agenda as follows. Harry Wyant seconded the motion and it was unanimously passed.

- **Permit to Operate Transfer Station:** Elaine reported a five-year renewal of our Permit to Operate the transfer station on Clark Road has been received from the State D.E.P.
- **Police Recognition Award:** The Student Committee of the International College of Hospitality Management (Cesar Ritz) has expressed their most sincere appreciation to the law enforcement officers of the Town in the form of a plaque. This was sincerely appreciated by the officers.
- **Roadside Debris:** Elaine reported a 550-gallon oil drum was left on the side of Nettleton Hollow Road, which the town had removed at a cost of \$200, due to environmental concerns. Not only is this an environmental nuisance, but it is costing the taxpayers money on needless expenses when their moneys could be spent more wisely. She asked if anyone witnesses an action such as this in town, whether it is an oil drum, appliance or other debris, to contact the police and/or Selectman's office with a description of the vehicle.

Cell Towers: Further discussion was held on the cell towers. In an effort to show the Board of Selectmen's willingness to discuss the use of the New Preston firehouse as a potential site for a cell tower, Elaine Luckey made a motion that the Selectmen enter into good faith discussions with AT&T Wireless and to proceed to the Board of Finance to alert them of this proposal and to request funding of approximately \$15,000 for costs that may be incurred. Nicholas Solley seconded the motion and the motion was unanimously passed. This would include negotiating a lease and seeing the whole process to completion, assuming AT&T is interested. It was felt this would make the availability of that site as an alternative a more real possibility.

The meeting was adjourned at 5:45 p.m.

Respectfully submitted,

Kathy Gollow
Selectman's Assistant