

January 2, 2003

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

Guests: Rabbit Hill Road residents: Jean Chapin, Florence Day, Diane DuPuis, John Hart and Ellen Tracy

Press: David Lombino, Litchfield County Times; Sarah Sparks, The Waterbury Republican

First Selectman Elaine Luckey called the meeting to order at 4:35 p.m. in the Land Use Room.

Minutes:

Elaine Luckey made a motion to accept the minutes of the November 21, 2002 Selectmen's meeting. This was seconded by Nick Solley and unanimously approved.

GUESTS:

Proposed Cell Tower - Rabbit Hill Road, Warren: Residents of Rabbit Hill Road expressed their concerns over the proposed 250-watt communications tower being considered for Rabbit Hill Road in Warren. They asked the Selectmen to actively participate on behalf of the Town in reviewing this proposal and become an intervener in this case. It was noted while the Board of Selectmen is an appropriate forum to discuss their concerns, the issue will be brought before the State Siting Council and a sub-committee of the Conservation and Zoning Commissions is actively following the three cell tower proposals currently being addressed and will file a report shortly.

Neighbors noted their concern that the "fall" zone lies partially within the Town of Washington and that debris from the tower could fall even further. The Selectmen were encouraged to meet with AT&T. Elaine reported while she had not met with AT&T, she had met with the chairmen of the Zoning Commission and the tower sub-committee of the Conservation Commission, as well as the First Selectman of Warren. She felt the concerns of Warren and Washington were not necessarily compatible, therefore, it was agreed not to join together in hiring attorneys or radio frequency experts, which costs could amount to \$20,000.

Neighbors also noted it was their impression that the chairman of the ad hoc tower committee already felt the proposed location is acceptable and that the radio frequency expert works for the telecommunication industry. Elaine noted the expert does not currently work for the industry and had been hired by the Council of Governments to give advice on radio frequency matters because he is knowledgeable and not connected. In her opinion, he is a reputable person.

Neighbors feel there is other land available and that it is counter-productive to locate this tower where runoff would flow into Meeker Swamp when so much has already been spent to preserve this important site. The neighbors have requested that an upland review be done by the Inland Wetlands Commission and felt that ample time should be provided to allow a biological study of this proposal.

While neighbors are giving consideration to hiring their own counsel, they felt this is a town issue and not just a Rabbit Hill Road issue. They requested the town provide funding for engineering in order that the siting council would know that the Town is interested. The Selectmen agreed the Town's input to the siting council is important; however, they also felt they must consider the overall town budget standpoint and that the Town is dealing with three potential tower sites of concern simultaneously. They felt the Town's representation is there and that the Conservation Commission sub-committee knows how the Selectmen feel. The Selectmen questioned if the residents had suggestions for other sites that would not

be on a ridgeline, in a residential zone or infringe on another neighborhood. The residents did not feel it is their job to make it easy for communications companies to find a site, especially as the companies would not be liable for the consequences.

Residents felt it would be fair and equitable to expect representation for their site as well the New Milford and New Preston sites. It was felt while the Town's Zoning Commission does not have jurisdiction for Warren that the Board of Selectmen has the authority to represent the Town's constituents to the siting counsel. It was hoped that the Selectmen would encourage the siting counsel to look at lands that are not within neighborhoods for their tower. Elaine noted she would be agreeable to that but felt if a better place could be recommended, it would be easier. Angevine Road was suggested.

Elaine felt the subcommittee's report, as well as the background work provided by the radio frequency expert, would provide good information. It was also noted besides the Zoning Commission's use of their budgeted legal fees on the first proposed tower, the Washington Environmental Council had also provided funding. The Zoning Commission will report directly to the siting counsel.

It was suggested Selectmen request the site lines be outlined on the application. The Selectmen suggested the residents attend the various meetings to voice their concerns.

Minutes: Nick Solley made a motion to approve the minutes of December 19th meeting as submitted. Elaine Luckey seconded the motion and it was unanimously passed.

Building and Property Commission: Commission members John Allen, Reese Owens and Dave Showalter presented an update of Town current and proposed projects:

- **Senior Center Capital project to paint the office and carpet the office and the hallway:** Budgeted at \$5,550. \$1,500 has been spent thus far to paint the office. The Commission commended Anson & Co. for a fine job. \$4,600 has been quoted to carpet the office, as well as carpet or tile the hallway floor. An additional \$600 is needed to complete project. It was agreed to make a request to the Village Improvement Society and the Board of Finance to consider additional funding. Agreed to proceed to schedule work and place deposit.
- **Window Replacement - Old Firehouse:** Windows have been measured and side-by-side Marvin windows w/ energy panels will be used. Quote from Woodbury Supply for four windows is \$3,000. Will also obtain quote from Washington Supply. Town crew will provide labor.
- **Debris removal** from garages in old firehouse is needed in the interest of fire safety, etc. Nick will confer with custodian. In an effort to provide needed garage space for town vehicles, items stored in rear garage may be transferred to old garage site on Titus Road.
- **Town Hall:**
 - Old toilet has been removed. It is necessary to remove debris from attic and wings due to fire hazard. Nick will confer with custodian and deal with situation when construction dumpster is available at time of elevator construction.
 - Exterior painting of wood surfaces on building from cupola - down, in addition to masonry ceiling and walls estimated at \$35,000. Committee suggested this be included in 03/04 capital budget proposal and will provide specs with assistance of experts. The importance of a first-class job on this building was noted. Invitation to bid will be extended through Selectman's Office. Bid may be awarded subject to approval of funds at future town meeting.

- Tree and Shrubbery Trimming: Nick and Roger Cannavaro will decide to what extent trimming will be done and will continue with plan being drawn up by Bill Bader and Chris Moore. Building & Property Commission unanimously agree that birch trees should be removed as they are too large for area and rubbing against building.
 - Asbestos abatement in lower level. - Completed.
 - Re-grading of side yard to eliminate flooding in police office. Completed. This will be monitored to insure it has solved the problem. Carpet in police office needs to be replaced.
 - Installation of elevator. Private funding. Peter Talbot will provide completed drawings. Selectman's Office will call Newtown to obtain information about the grant they received for their elevator.
 - Stair treads - Seem okay.
 - Exterior steps - south side of building. Need to be replaced rather than repaired. This could be included in bid for painting/masonry in spring. Commission will investigate costs and provide specs. Possibility of asking Bryan Hall trustees or Village Improvement to assist with costs.
 - Basement Pipes: Nick reported pipes in the basement must be moved when the elevator is installed. Long-term planning should consider if heating and air conditioning in the building should be upgraded at the same time. Currently there are separate units installed in the offices each summer and one thermostat for the entire building. Check with McKenney Mechanical regarding the pipes.
- **Washington Primary School:**
 - Pavilion: - electric panel: Cover will be installed.
 - Bathrooms/Storage: Parks and Rec met with Reese Owns and felt it would be more cost-effective and esthetically pleasing if a bathroom and storage area were constructed adjacent to, but not under, the pavilion. Esthetic improvements would also be made to the pavilion building. Plans should be completed in the near future.
 - **Town Garage - new:** Gutters will be placed over the garage doors to relieve icing in front of the garages.

The Selectmen noted their appreciation of the Commission's efforts and time spent on these projects. The Commission will periodically update their reports.

U.S. Clean Air Act: State Attorney General Richard Blumenthal has asked for consideration in joining his legal challenge to the proposed changes to the federal Clean Air Act regulations. Elaine reported she is interested in joining this challenge and asked the Board to consider doing likewise. According to Mark P. Kindall, Assistant State's Attorney General, while the statutes and regulations involved are very complicated, the principle is not: "The new regulations will adversely affect air quality, especially in the northeast where we import substantial amounts of industrial pollution from the Ohio River valley and further south." In 1977 when the Clean Air Act was originally passed, it required new facilities, which were major stationary sources of pollution, to have up-to-date pollution controls. Facilities pre-dating the passage of the Act were grand fathered. Older facilities were required to update controls whenever they made a modification to the facility that increased its air pollution emissions. In 1996, the EPA published

a set of proposed regulations, which were generally designed to ensure environmental protection while allowing industry some greater amount of flexibility and predictability in meeting the regulatory requirements, Six years later, EPA decided to use the 1996 proposal as a springboard to adopt new, final regulations, which would significantly weaken the existing program, allowing for potentially substantial increases in pollution. Record keeping would also be substantially relaxed under the new rules, making enforcement much more difficult. The State Attorney General's office is challenging these regulations on two fronts: They are asking the EPA to reconsider the regulations and the federal court to invalidate them, both on procedural and substantive grounds. They feel the EPA did not simply make minor changes to an existing proposed regulation, but substantially rewrote every part of it, while not permitting public comment on its changes. Substantively, the regulations do not comport with the mandates of the Clean Air Act. Elaine reported beside herself, many Connecticut municipalities have expressed interest in joining the legal challenge, including several members of NWCOG, but have not had sufficient time to have the question decided by their boards. Both Nick and Harry will review the information provided and will report back to Elaine whether they are willing to join.

Gunn Hill Road: Residents of Gunn Hill Road have expressed their concern over water runoff onto their land. Harry will review the Weydig land records and Elaine will call them to schedule a meeting with them and the road foreman. It was noted this water has run onto this property for many years.

The meeting was adjourned at 6:05 pm.

Respectfully submitted,

Kathy Gollow
Selectman's Assistant