

TOWN OF BETHEL
SPECIAL TOWN MEETING
WEDNESDAY, JULY 10, 2013
CLIFFORD J. HURGIN MUNICIPAL CENTER
Meeting Room "A"
7:00 P.M.

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TOWN OF BETHEL
TOWN CLERK

Present: Town Counsel, Martin J. Lawlor, Jr., First Selectman, Matthew S. Knickerbocker, Selectman, Richard C. Straiton, Town Clerk, Lisa Bergh, and Comptroller, Robert Kozlowski.

Call to Order: First Selectman, Matthew S. Knickerbocker called the Special Town Meeting to order at 7:00 P.M. followed by the pledge of allegiance.

Town Clerk, Lisa Bergh read the call (see attached).

Motion to accept the call made by Alice Hutchinson, the motion was seconded by Keith Watson. Vote, all in favor, motion unanimously approved.

Cynthia McCorkindale made a motion to nominate J. Philip Gallagher, as Moderator. The motion was seconded by Rosalie Donofrio. David Olson made a motion to nominate First Selectman, Knickerbocker as Moderator. That motion was seconded by Patricia Smithwick. Vote taken, First Selectman Knickerbocker was elected Moderator.

Town Counsel, Martin Lawlor read the Resolution (see attached). The motion was seconded by David Olson.

Discussion:

Alice Hutchinson: Expressed concern over the land and the lack of a guarantee in getting the property back from Aquarion. It is a clarity issue.

First Selectman Knickerbocker replied by stating that the use of the land will remain the same as it is used today pending the State Department of Health approval in regards to hiking, fishing and hunting. Town Counsel remarked that information regarding what has been allowed at other reservoirs that Aquarion has control over is available on the internet.

Bryan Terzian: Expressed his concern over the sale due to his close proximity to the reservoir. He feels that in the purchase agreement there is no protection regarding maintaining the land as open space. First Selectman Knickerbocker responded by stating that the land will come back to the town and the town's people will do what they want to do with the land.

Sheri Holmberg: The Fire Department Pump Station causes concern with it stating in the Agreement that the property size states 1 acre while she was told it was the first three parking spaces. First Selectman, Knickerbocker remarked that the placement and building is subject to the Planning and Zoning Commission. Town Counsel stated that the mention of the one acre is an easement.

Bill Hillman:

Stated that at the Public Hearing Aquarion acknowledged that the range of costs previously stated was incorrect. Instead of 10 million, they corrected themselves to state the amount would be 4.5 million.

William Duff:

His residence is next to the reservoir. Currently the town controls the land and the rates, to relinquish control is not something he supports. He is against the sale.

Cynthia McCorkindale:

Stated that she disagrees with Mr. Knickerbocker on certain points, such as the use of the land once it goes to Aquarion. It could be reclassified as a water source. She has an issue with the deal, not with Aquarion. After the hearing in Fairfield it was disclosed that Aquarion has only installed 25,000 feet of pipe that is equivalent to 5 miles in all of Fairfield County.

John Rondano:

Is opposed to the sale, he is concerned about losing his water pressure.

Diana Medwid:

Is there anything in the contract that prevents Aquarion from selling out?

Town Counsel Lawlor stated no, but any sale would have to be approved by PURA, and our Agreement must be honored.

Colleen McCollam:

Is concerned about the rates.

J. Philip Gallagher: Point of Order:

Nowhere in contract have they said they will guarantee a minimum per gallon charge.

Tom Cheslock:

Inquired as to whether fluoride will be added to the water. The State requires that if there are more than 10,000 customers on the line, fluoride is a mandated requirement. If Aquarion joins water systems with another community this will be the case.

Rob Reed:

Stated that he is not hooked into the system but anticipates his taxes will go up.

A.J. Bernard:

Under contract, everything built into the contract unless built into the deed will disappear after one year. The town will be locked into this forever. The town can never back out of this contract. There are no guarantees regarding the land, once it passes to Aquarion, the use of the land is between Aquarion and the State.

Frank Hislop:

Discussed the money coming to the town regarding the sale.

Alice Hutchinson: Point of Order:

Asked that the discussion gets back to the resolution.

Kurt Dehoff:

Asked why the library is more of a priority than the water system?
Why was it neglected?

Don Ippolito:

We have bonded over the years for the roads, the high school, etc.
Why are we so anxious to sell instead of fixing it?

Pat Delaney:

Read the article in the Danbury-News Times regarding the meeting held in Fairfield over the proposal for Aquarion to raise rates.

Sandra McCauley:

Asked which aquifer fed the school complex. Chestnut aquifer, which will eventually be Maple Avenue.

J. Philip Gallagher:

Noted that Moderators should be impartial, not an advocate for question #1.

He noted there is not enough information. Aquarion will pass the costs onto the ratepayers. It states in the contract the transfer of the land back to Bethel is the sole discretion of Aquarion.

He is saddened to lose a jewel in Bethel; Mountain Pond was the sight of fishing as a child. Bonding has been done to fix roads, and the high school, we fixed them we didn't sell them. In order to raise money for repairs, why not look into putting up cell towers that bring in revenue. There is 370 acres transferring with this deal, and in its history, Aquarion has never transferred property back.

Shani Burke-Specht:

Feels there are more questions than answers. We are not ready to do this deal. She researched Dunn and Bradstreet, there are 7 water companies located within the area. Bringing business to Clarke Park was a motivator to this deal...doing so may tax downtown business owners by raising their water rates, and restaurants use a lot of water. Shani spoke with Dennis Elpern Danbury's planner, he remarked that Danbury didn't deny the water tank; they just wanted it located in a different location. Shani feels that a committee be organized to review and research this issue.

Bill Ochs: Asked if it was possible to pull the deal off the table. First Selectman, Knickerbocker remarked that the deal is going to a referendum for a vote by the people.

Pete Neville:

What prevents Aquarion from selling the land to developers? Town Counsel stated that once the land is decommissioned it must be returned to the Town.

Jan Moy:

Stated that her water bill will go up. At the Fairfield meeting it was discussed that Aquarion has invested \$103 million in the county and is looking to recoup those costs.

Pat Delaney:

Feels that the cell towers are a good idea. Asked if a water assessment like the sewer assessment would be something to consider.

Bryan Terzian:

Stated that he feels as if everyone has the town's best interest in mind. Wants to see this deal slowed down. Remarked that people feel as if they are being forced into a quick decision.

First Selectman Knickerbocker noted that due to State Statute the vote must take place within 7-14 days.

J. Philip Gallagher: Point of Order:

This meeting can recess to a future date. Town Counsel Lawlor agreed that the meeting can be recessed however the Board of Selectmen must set a date for the referendum.

Pat Smithwick:

Feels we should move forward and not put things off as in the past.

Bill Ochs:

We can punch wells in and follow what Aquarion wants to do.

Billy Michael:

This is different than anything we have ever seen. To take such a vital service and try to push it through within 8 weeks. He is learning new things about this at every meeting he has attended. \$110,000.00 tax revenue is nothing to be held up as a benefit. Vote no until you know.

Alice Hutchinson:

Thanked the Public Utilities Commission for their hard work. She stated that being able to do the work ourselves is a myth. There are certain aspects of this deal she is not comfortable with.

Cynthia McCorkindale:

Many people are feeling wary. She is aware that outside resources will need to be used. There are no changes that can be made to this deal, and it was negotiated behind the scenes.

Kurt Dehoff:

Feels that this deal is selling people out.

Dominic Ippolito:

This was a quiet deal, not one mention of Aquarion in the agendas. No disclosure. Much of this deal was done in Executive Session. Stated that the fact that Aquarion has more sway with a state agency doesn't seem right over a municipality having that same influence.

Town Counsel Lawlor informed Mr. Ippolito that the Department of Public Health based on state statutes has no control over municipal water companies. They do have control over private companies and the DPH can overrule Danbury's decision.

J. Philip Gallagher:
Feels that the Public Utilities Commission should meet in the evenings instead of at 4 PM.

Shani Burke Specht:
Once we sell water rights they are gone forever.

Richard Straiton:
Informed the room that 10% of the town's water mains are over 100 years old. There are 4 miles of 4" cast iron pipe, Selectman Straiton went on to point out the vulnerability of the water lines with further details. The Long Ridge Road residents were invited to meetings of the Public Utilities Commission. The commission changed the design to accommodate the residents and they still voted it down. It will cost more than a million dollars to relocate the tank. The entire commission voted unanimously to move forward with this sale.

Will Michael:
How will Aquarion sell us water cheaper than we can? They are a for profit company versus a nonprofit company that sells water at cost.

Town Counsel Lawlor reads Resolution #1A, (see attached).
Motion seconded by David Olson.

Bill Hillman made a motion to set July 23rd as the date for the referendum. Bill Ochs seconded the motion.
Discussion:

Town Counsel Lawlor stated that date is in conflict with the State Statute.

Joan Gereg Bradley:
Assistant Registrar stated it would not be possible to hold the vote that date. Due to the caucuses.

Bill Hillman withdrew his motion with extreme disappointment with the misrepresentation of Town Counsel.

Keith Watson made a motion to move the question; the motion was seconded by Jon Menti.
Vote taken on motion,
Division called by Bill Hillman.

Show of hands: Results: 31 for, 21 against. Motion approved.

Vote on main motion, motion approved

Division called by William Duff,

Show of hands: 30 for, 27 against. Motion approved.

Town Counsel reads Motion 1B (see attached).
Motion was seconded by David Olson. Hours of Voting on July 18, 2013 from 6AM-8PM.

Vote taken, motion approved.

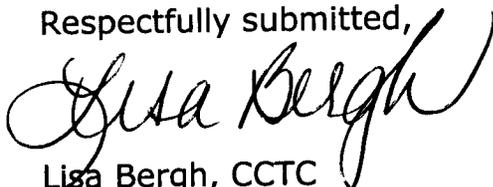
Town Counsel reads Motion # 2 (see attached).
Motion was seconded by Alice Hutchinson.
Vote taken, all in favor, motion approved.

Bill Hillman: Point of Order: Roberts Rules dictates that in order to move the question, a 2/3 majority vote is required.
Mr. Hillman did not ask to have the motion withdrawn, the room emptied in the time that Mr. Hillman researched Roberts Rules.

First Selectman Knickerbocker:
Wanted to make a statement, he respects that residents have a difference of opinion and he respects both sides of the argument. He wanted to thank everyone for coming out and speaking out on the issue.

Meeting adjourned at 9:00 PM to a machine vote on July 18, 2013

Respectfully submitted,



Lisa Bergh, CCTC
Bethel Town Clerk

MOTIONS FOR
SPECIAL TOWN MEETING
OF THE TOWN OF BETHEL, CONNECTICUT

BETHEL MUNICIPAL CENTER
1 SCHOOL STREET
MEETING ROOM "A"
WEDNESDAY, JULY 10, 2012
At 7:00 PM

1. Shall the Town of Bethel sell the assets of the Bethel Water System and real property associated with the same to Aquarion Water Company of Connecticut pursuant to a contingent Asset Purchase Agreement with an effective date of April 29, 2013 for the sum of Seven Million Two Hundred Thousand (\$7,200,000.00) Dollars? (NOTE: No vote, to be adjourned to a machine vote.)
 - A. Shall the date of the machine vote for the sale of the Bethel Water System to Aquarion Water of Connecticut take place on Thursday, July 18, 2013?
 - B. Shall the polling hours of the machine vote for the sale of the Bethel Water System to Aquarion Water of Connecticut be from 6:00 AM to 8:00 PM?

2. Shall the Town of Bethel accept the transfer of ownership of 119,990.1020 SQ.FT.-2.754 acres of real property located at Knollwood Drive and Rotella Drive adjacent to other land of the Town of Bethel, as open space from T. D. And Sons, Inc. fulfilling the requirements of a resubdivision approval for Knollwood Drive and Granite Drive approved by the Bethel Planning & Zoning Commission.

**WARNING
NOTICE OF SPECIAL TOWN MEETING
OF THE TOWN OF BETHEL, CONNECTICUT**



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2013 JUL 10 A 10:54

TOWN OF BETHEL
TOWN CLERK

The Legal Voters of the Town of Bethel, Connecticut, and those persons entitled to vote therein, are notified to assemble at a Special Town Meeting to be held in the Clifford J. Hurgin Municipal Center – Meeting Room A, 1 School Street, Bethel, Connecticut 06801 on Wednesday, July 10, 2013 at 7:00 p.m. for the following purposes, to wit:

- 1.) To consider and take action upon a recommendation of the Bethel Board of Selectmen and approved by the Bethel Board of Finance to sell all of the assets of the Bethel Water System which includes certain real property to Aquarion Water Company of Connecticut pursuant to an Asset Purchase Agreement dated effective as of April 29, 2013 for the purchase price of Seven Million Two Hundred Thousand (\$7,200,000.00) Dollars.

Pursuant to Connecticut General Statute § 7-7, the Bethel Board of Selectmen by resolution on July 2, 2013 have removed this Item No. 1, the sale of the assets of the Bethel Water System from vote by the body of this Special Town Meeting and adjourned this vote to a Town wide machine vote to be held on the date as established by this body of the Special Town Meeting between the hours of twelve o'clock noon (12:00) PM and eight o'clock (8:00) PM unless the body of this Special Town Meeting approves earlier hours for the opening of the Town wide machine vote pursuant to Connecticut General Statute § 7-7.

A copy of said Agreement for the sale of the Bethel Water System assets is available for review during normal business hours at the Office of the First Selectman of Bethel, Clifford J. Hurgin Municipal Center, 1 School Street, Bethel, CT.

- 2.) To consider and take action upon a recommendation of the Bethel Board of Selectmen and approved by the Bethel Board of Finance to accept the transfer of ownership of 119,990.1020 SQ.FT.-2.74 acres of real property as open space from T. D. And Sons, Inc. which real property is located at Knollwood Drive and Rotella Drive adjacent to other land of the Town of Bethel. The transfer of real property fulfills the requirements of a resubdivision approval for Knollwood Drive and Granite Drive by the Bethel Planning & Zoning Commission.

A copy of said map depicting the real property to be transferred is available for review during normal business hours at the Office of the First Selectman of Bethel, Clifford J. Hurgin Municipal Center, 1 School Street, Bethel, CT.

- 3.) To take any and all action legally necessary or appropriate to accomplish the above intended results.

Dated at Bethel, CT this 2nd day of July, 2013.

BETHEL BOARD OF SELECTMEN

Matthew S. Knickerbocker, First Selectman
Richard C. Straiton, Selectman
Paul R. Szatkowski, Selectman