

TOWN OF WOODBURY

Office of the First Selectman

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Woodbury, Connecticut 06798

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BOARD OF SELECTMEN REGULAR MEETING MINUTES

Thursday, February 11, 2016

Shove Conference Room

7:30 p.m.

PRESENT: First Selectman William J. Butterly, Jr., (via telephone), Selectman Barbara Perkinson, Selectman Michael Gransky, six residents, one reporter

1. Call to order – Selectman Perkinson called the meeting to order at 7:30 p.m.
2. Pledge of Allegiance
3. First Selectman's Report – First Selectman Butterly reported:
 - He met with Senior Center and Fire Headquarters staff regarding the probable need for a Warming Station this weekend due to severe cold weather.
4. Privilege of the Floor – *Mr. Joel Serota*: Mr. Serota, Chairman of the former Woodbury Reservoir Property Task Force, distributed copies of the brochure that had been previously mailed to residents, and asked that one be mailed again prior to the Special Town Meeting so residents can be fully informed. *Ms. Kathy Doyle*: Ms. Doyle asked that questions, i.e. how would the Town pay for the reservoir purchase and the costs be answered prior to the Special Town Meeting.
5. Minutes –Regular Meeting January 28, 2016 – MOTION: Selectman Gransky moved to approve the Regular Board of Selectmen Meeting Minutes of January 28, 2016 as amended with one addition: “page one, last bullet in First Selectman's Report, insert before “interest” and after “and” “Loryn Ray's”. SECOND: Selectman Perkinson. MOTION PASSED UNANIMOUSLY.
6. Bid Awards – Selectman Perkinson read aloud a memo from the Director of Public Works regarding the purchase of a JD 672D Grader that showed the savings in purchasing a used grader versus the original plan to refurbish the existing grader.

MOTION: Selectman Perkinson moved to add to the agenda “discuss and take action on acquisition of a used road grader”. SECOND: Selectman Gransky. MOTION PASSED UNANIMOUSLY.

MOTION: Selectman Perkinson moved to add to the agenda “discuss and take action to modify the Town's 2015 Five-Year Capital Equipment Program. SECOND: First Selectman Butterly. MOTION PASSED UNANIMOUSLY.

MOTION: Selectman Perkinson moved to approve the change in the Town's 2015 Capital Equipment Program that included \$175,000.00 to refurbish the Town's Road Grader to approve up to \$136,974.00 for the purchase of a used road grader since the request is to purchase a used grader

and not refurbish the existing grader. SECOND: First Selectman Butterly. MOTION PASSED UNANIMOUSLY.

MOTION: Selectman Perkinson moved to waive formal bidding procedures for the purchase of a used road grader (2008 Deere 672D), in an amount not to exceed \$136,974.00 from Carr Equipment, pursuant to the bid waiver request from the Director of Public Works. SECOND: First Selectman Butterly. MOTION PASSED UNANIMOUSLY.

Selectman Perkinson read aloud the memo of recommendation from the Director of Public Works regarding engineering firms that expressed interest in the Middle Quarter Culvert/Bridge project. MOTION: Selectman Gransky moved to award the redesign bid of the Middle Quarter Culvert/Bridge to Zuvic Carr in an amount not to exceed \$49,000.00. SECOND: Selectman Perkinson. MOTION PASSED UNANIMOUSLY.

7. Donations – Selectman Perkinson read aloud a handwritten note from Alison Salemi—a youngster that collected money for Woodbury’s Animal Control vet bills. MOTION: Selectman Perkinson moved to accept the \$100.00 donation from Alison Salemi for the Animal Control vet bills. SECOND: Selectman Gransky. MOTION PASSED UNANIMOUSLY. MOTION: Selectman Gransky moved to accept the \$150.00 donation from Kerry Martin and the \$130.00 donation from Noreen Leopardi for the Animal Control vet bills. SECOND: First Selectman Butterly. MOTION PASSED UNANIMOUSLY.

8. Appointments/Resignations

- a. Joseph Donato – SDAT – MOTION: Selectman Perkinson moved to reappoint Joseph Donato to the SDAT Committee with a term to expire December 3, 2017. SECOND: Selectman Gransky. MOTION PASSED UNANIMOUSLY.
- b. Raymond Manzi – BEDC – MOTION: Selectman Perkinson moved to reappoint Raymond Manzi to the Business and Economic Development Committee with a term to expire December 3, 2017. SECOND: Selectman Gransky. MOTION PASSED UNANIMOUSLY.
- c. Discuss and take action to form Open Space Inventory Committee – Selectman Perkinson commented that a few years ago there had been an Open Space and Implementation Committee that had not completed their work. MOTION: Selectman Perkinson moved to form the Open Space Inventory Ad Hoc Committee with the charge to compile a list of public record open space properties, both public and private, open space access ways, open space easements in the Town of Woodbury, and provide this information to the Town Planner for her use and exporting to NVCOG. SECOND: First Selectman Butterly. MOTION PASSED UNANIMOUSLY.
- d. Geoffrey Whan, Sharon Feeley, David Taylor, Walter Kazmierski – OSIC – MOTION: Selectman Perkinson moved to appoint Geoffrey Whan, Sharon Feeley, David Taylor and Walter Kazmierski to the Open Space Inventory Ad Hoc Committee with terms to expire December 3, 2017. SECOND: Selectman Gransky. MOTION PASSED UNANIMOUSLY.

9. Old Business

- a. Update Reservoir Property purchase - none.
- b. To consider and act upon a resolution making recommendations regarding the purchase and acquisition from Aquarion Water Company of Connecticut of two parcels of land known as

the Woodbury Reservoir Land located in the Towns of Woodbury and Southbury, and the Sherman Hill Road Land in the Town of Woodbury, the appropriation of funds for the costs of such acquisitions, the authorization of borrowings to finance such appropriation, and other related matters; and setting a Special Town Meeting to act on such recommendations and making various determinations in connection therewith – MOTION: Selectman Perkinson *moved to consider* to waive the reading of the full resolutions to be considered under Item 9b. of the agenda so long as the full text of those items are available for those in attendance at the meeting and so long as the full text of the resolutions are attached to the minutes of the meeting. SECOND: First Selectman Butterly. MOTION PASSED UNANIMOUSLY.

MOTION: Selectman Perkinson moved to waive the reading of the full resolutions to be considered under Item 9b. of the agenda so long as the full text of those items are available for those in attendance at the meeting and so long as the full text of the resolutions are attached to the minutes of the meeting. SECOND: First Selectman Butterly. MOTION PASSED UNANIMOUSLY.

MOTION: Selectman Perkinson moved to make recommendations regarding the purchase and acquisition from Aquarion Water Company of Connecticut of two parcels of land known as the Woodbury Reservoir Land located in the Towns of Woodbury and Southbury, and the Sherman Hill Road Land in the Town of Woodbury, the appropriation of funds for the costs of such acquisitions, the authorization of borrowings to finance such appropriation, and other related matters; and setting a Special Town Meeting to act on such recommendations and making various determinations in connection therewith (full resolutions attached) along with the Warning and Notice of Special Town Meeting set for Wednesday, March 16, 2016 at 7:30 p.m. held at Nonnewaug High School auditorium, 5 Minortown Road, Woodbury, CT. SECOND: Selectman Gransky. MOTION PASSED UNANIMOUSLY.

10. New Business

- a. Discuss and take action regarding Fair Housing Resolution – MOTION: Selectman Perkinson moved approval of the Fair Housing Resolution as read aloud by Selectman Perkinson.

FAIR HOUSING RESOLUTION: Town of Woodbury

- Whereas, All persons are afforded a right to full and equal housing opportunities in the neighborhood of their choice; and
- Whereas, Federal fair housing laws require that all individuals, regardless of race, color, religion, sex, handicap, familial status or national origin, be given equal access to all housing-related opportunities, including rental and homeownership opportunities, and be allowed to make free choices regarding housing location; and
- Whereas, Connecticut fair housing laws require that all individuals, regardless of race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, learning disability, physical or mental disability, sexual orientation, be given equal access to all housing-related opportunities, including rental and home ownership opportunities, and be allowed to make free choices regarding housing location; and

Whereas,

The Town of Woodbury is committed to upholding these laws, and realizes that these laws must be supplemented by an Affirmative Statement publicly endorsing the right of all people to full and equal housing opportunities in the neighborhood of their choice.

NOW THEREFORE, BE IT RESOLVED,

That the Town of Woodbury hereby endorses a Fair Housing Policy to ensure equal opportunity for all persons to rent, purchase, obtain financing and enjoy all other housing-related services of their choice on a non-discriminatory basis as provided by state and federal law; and

BE IT FURTHER RESOLVED,

That the chief executive officer of the Town of Woodbury or his/her designated representative is responsible for responding to and assisting any person who alleges to be the victim of an illegal discriminatory housing practice in the Town of Woodbury and for advising such person of the right to file a complaint with the State of Connecticut Commission on Human Rights and Opportunities (CHRO) or the U.S. Department of Housing and Urban Development (HUD) or to seek assistance from the CT Fair Housing Center, legal services, or other fair housing organizations to protect his or her right to equal housing opportunities.

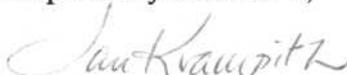
SECOND: Selectman Gransky. MOTION PASSED UNANIMOUSLY.

- b. Discuss and take action regarding bond release for Grey Fox Woods Subdivision – First Selectman Butterly noted that Town Attorney and the Planning Commission had recommended the bond reduction in said manner. MOTION: Selectman Perkinson moved to approve the K&N Properties, LLC Request for \$69,000 partial bond release for work completed for Phase 1, Grey Fox Woods Subdivision, #05-PC-5004 . SECOND: First Selectman Butterly. MOTION PASSED UNANIMOUSLY.

11. Correspondence – none.

12. Adjournment – MOTION: First Selectman Butterly moved to adjourn at 8:08 p.m. SECOND: Selectman Gransky. MOTION PASSED UNANIMOUSLY.

Respectfully submitted,



Jan Krampitz, Secretary to the Board of Selectmen

RECEIVED & FILED
IN WOODBURY, CT

This 16 day of Feb 2016
at 2:20 o'clock P M

Town Clerk

COPY OF
RESOLUTION
MADE AVAILABLE
TO THOSE
ATTENDING

RESOLUTION OF THE TOWN MEETING OF THE TOWN OF WOODBURY AUTHORIZING THE ACQUISITIONS OF THE WOODBURY RESERVOIR LAND LOCATED IN THE TOWNS OF WOODBURY AND SOUTHBURY, AND THE SHERMAN HILL ROAD LAND IN THE TOWN OF WOODBURY; APPROPRIATING \$2,900,000 FOR COSTS RELATED TO SUCH ACQUISITIONS, SAID APPROPRIATION TO BE FUNDED IN PART BY \$50,000 FROM THE TOWN OF WOODBURY OPEN SPACE FUND NUMBER 1 AND \$200,000 FROM THE TOWN OF WOODBURY OPEN SPACE FUND NUMBER 2; AND AUTHORIZING THE ISSUE OF BONDS OR NOTES TO DEFRAY THE REMAINDER OF THE APPROPRIATION TO THE EXTENT NOT FUNDED FROM GRANTS

RESOLVED,

1. That the Town of Woodbury authorize the purchase and acquisition from Aquarion Water Company of Connecticut of two parcels of land consisting of: (a) the so-called Woodbury Reservoir Land (the "Woodbury Reservoir Land") comprising approximately 181.35 acres, more or less, located in the Towns of Woodbury and Southbury, and more particularly described below, and (b) the so-called Sherman Hill Road Land (the "Sherman Hill Road Land") comprising approximately 64.15 acres, more or less, located in the Town of Woodbury, and as more particularly described below; which acquisitions the Board of Selectmen recommends be by private sale. The acquisitions include all buildings and improvements situated on the parcels and any fixtures therein, if any, and all right, title and interest of Aquarion Water Company of Connecticut in and to the land lying in the bed of any street or highway in front of or adjoining the parcels, and all other appurtenances (excluding utility rights and easements and any equipment lying in the bed of any such street or highway owned or used by Aquarion Water Company of Connecticut in its capacity as a water supply company) to the parcels and such building and improvements. Said parcels of land are conveyed subject to certain reservations, intentions to sell, notices to acquire and open space notices, and a certain right of way, all as described in the Contract of Sale (the "Contract of Sale") dated October 22, 2015, between Aquarion Water Company of Connecticut and the Town with respect to the acquisitions, and the First Amendment to the Contract of Sale dated November 18, 2015. Copies of the Contract of Sale and the First Amendment thereto are on file in the office of the Town Clerk.

Legal Description of Woodbury Reservoir Land: All that certain piece or parcel of land situate in the Town of Woodbury and Southbury, County of Litchfield, State of Connecticut as shown on map entitled "Perimeter Survey Prepared For Aquarion Water Company Of Connecticut, Old Woodbury Road, Scuppo Road and Old Sherman Hill Road, Woodbury and Southbury, Connecticut" dated April 25, 2014, scale 1"=100', prepared by CCA, LLC of Brookfield, Connecticut and being more particularly bounded and described as follows:

Beginning at a point on the Northerly street line of Old Woodbury Road and the Southwesterly corner of lands belonging now or formerly to Willard K. Denton, Jr. and Mary Anne Denton as recorded in Southbury land records as deed Volume 539 page 295; Thence along the Northerly street line of said Old Woodbury Road and the Easterly street line of Scuppo Road the following 31 courses

N72°38'09"W 387.44', N73°44'10"W 479.22', N75°13'56"W 210.38', N79°09'15"W 417.02', N84°42'42"W 244.89', S83°47'13"W 225.85', S85°07'50"W 112.60', S86°14'30"W 362.22' on a curve to the right having a radius 240.00', an arc length 127.31', a delta 30°23'32" and a chord N21°40'36"W 125.82', N06°28'50"W 591.88" on a curve to the left having a radius 438.25', an arc length 125.57', a delta 16°24'59" and a chord N14°41'20"W 125.14', on a curve to the right having a radius 158.77', an arc length 86.65', a delta 26°43'31" and a chord N09°32'04"W 85.87', N03°49'42"E 97.99' on a curve to the left having a radius 286.32', an arc length 323.90', a delta 64°48'55" and a chord N28°34'27" 306.90', N60°58'55"W 50.54', on a curve to the right having a radius 798.90', an arc length 161.16', a delta 11°33'28" and a chord 55°12'10"W 160.88', N49°25'26"W 81.09', on a curve to the left having a radius 346.00', an arc length 276.51', a delta 45°47'16", and a chord N72°19'04"W 269.21', on a curve to the right having a radius 400.00', an arc length 256.35', a delta 36°43'12", and a chord N76°51'06"W 251.99, N58°29'30"W 358.68', S73°31'55"W 282.63', N44°51'03"W 120.75', N74°29'14" 224.84', N61°33'27"W 66.69', N46°10'15"W 37.05', N62°19'16"W 37.23', N63°14'02"W 81.85', N43°36'50"W 103.90', N33°40'30"W 134.90', N60°58'09"W 258.01', N75°39'06"W 147.11' to a point on the Southwesterly corner of lands belonging now or formerly to Town of Woodbury as recorded in deed Volume 180 page 719; Thence the following 19 courses N76°28'42"E 265.93, N42°51'34"E 194.85', S77°30'51"E 110.57', S76°27'32"E 123.96', N76°43'41"E 229.83', N75°37'52"E 149.56', N83°19'12"E 83.69', N72°55'23"E 86.20', N76°22'57"E 312.45', N75°44'06"E 140.14', N75°46'07"E 77.94', N75°46'47"E 124.83', N74°11'48"E 163.34', N74°26'33"E 338.63', N11°41'41"W 422.92', on a curve to the right having a radius 741.78', an arc length 669.12', a delta 51°41'00" and a chord N14°08'49"E 646.66', N39°59'19"E 649.32', on a curve to the right having a radius 1935.08', an arc length 608.55', a delta 18°01'07" and a chord N48°59'52"E 606.05', N58°01'19"E 13.99' to a point on the Southerly street line of Old Sherman Hill Road; Thence along the Southerly street line of said Old Sherman Hill Road S74°00'12"E 182.12' to a point on the Northwesterly corner of lands belonging now or formerly to Jonathan Tait Murphy and John Spencer Melder as recorded in deed Volume 390 page 1177; Thence the following 25 courses S53°47'43"W 364.10', S48°34'13"W 134.00', N43°49'47"W 97.53', on a curve to the left having a radius 1885.08', and arc length 210.79', a delta 06°24'24" and a chord S43°11'31"W 210.68', S39°59'19"W 649.32', on a curve to the left having a radius 691.78', an arc length 321.39', a delta 26°37'08" and a chord S26°40'45"W 318.51, S25°27'25"E 223.40', N19°10'36"E 17.21', S61°54'55"E 293.51', S75°23'43"E 244.49', S70°10'00"E 418.44', S41°02'57"E 180.38', S35°44'27"E 700.84', S25°51'38"E 25.37', S31°33'34"E 564.91', S41°28'15"E 224.56', S25°27'12"E 216.06', S19°36'18"E 396.70', S16°47'51"E 170.97', S20°09'49"E 152.76', S25°06'17"E 80.98', S22°57'24"E 246.36', S24°47'22"E 401.74',

S23°37'10"E 339.31', S09°31'02"E 187.81' to the point or place of beginning.
Said parcel containing 181.35 +/- acres.

Legal Description of Sherman Hill Road Land: All that certain piece or parcel of land situate in the Town of Woodbury, County of Litchfield, State of Connecticut as shown on map entitled "Perimeter Survey Prepared For Aquarion Water Company Of Connecticut, Sherman Hill Road and Tuttle Road, Woodbury, Connecticut" dated February 11, 2015, scale 1"=100', prepared by CCA, LLC of Brookfield, Connecticut and being more particularly bounded and described as follows:

Beginning at a point on the Northerly Right of Way line of Connecticut Route 64 and the Southwesterly corner of lands belonging now or formerly to Nashe Real Estate, LLC as recorded in deed Volume 353 page 805; Thence along the Northerly Right of Way line of said Connecticut Route 64 the following six courses N78°11'12"W 1457.94', on a curve to the left having a radius 8644.42' and an arc length 220.10', a delta 01°27'32" and a chord N78°54'58"W 220.10', on a curve to the left having a radius 8644.42', an arc length 219.86', a delta 01°27'26", and a chord N80°22'27"W 219.85', N81°00'42"W 59.04', N08°21'39"E 36.75', N84°56'14"W 161.04' to a point at the Southeasterly street line intersection of Tuttle Road; Thence along the Easterly street line of Tuttle Road the following three courses N06°41'36"W 794.55', N08°01'46"W 195.13', N25°46'16"W 188.82' to a point on the Southwesterly corner of lands belonging now or formerly to Flanders Nature Center and Land Trust, Inc. as recorded in deed Volume 406 page 188; Thence the following 20 courses S42°37'34"E 236.33', S87°16'40"E 308.58', N86°35'24"E 207.15', S70°48'24"E 328.12', N34°12'11"E 333.15', N86°46'48"E 131.73', S72 °33'01"E 274.62', N84°27'04"E 253.50', N75°32'38"E 158.77', S85°01'26"E 188.30', S16°17'38"E 203.82', S88°31'50"E 173.62', S58°04'22"E 105.43', S11°21'18"W 15.00', S11°21'18"W 218.79', S06°58'15"W 347.08', S19°30'29"W 294.47', S31°00'37"E 53.14', S01 °25'55"E 161.59', S11°37'56"W 244.85' to the point or place of beginning. Said parcel containing 64.15 +/- acres.

Such parcels and related, buildings, improvements and other appurtenances will be acquired in a private sale from Aquarion Water Company of Connecticut for a purchase price of \$2,850,000, subject to customary adjustments at closing (the "Purchase Price"), and subject to such other terms and conditions as the Board of Selectmen may approve in its discretion. The closing on the acquisitions will occur on the date which is sixty (60) days following the later to occur of: (a) the date on which Aquarion Water Company of Connecticut provides the Town with written notice that Aquarion Water Company of Connecticut has satisfied the contingencies set forth in the Contract of Sale, and (b) the date on which the Town provides Aquarion Water Company of Connecticut with written notice that the Town has satisfied certain contingencies set forth in the said Contract of Sale. If said date is not a business day, the closing shall occur on the second business day following said date. It is the intent of the Town and Aquarion Water Company of

Connecticut to use reasonable efforts to cause the closing date to be no later than October 31, 2016, or at a date mutually agreed to by the parties. At the closing on the acquisitions, Aquarion Water Company of Connecticut shall donate \$50,000 to the Town to be placed in a special, designated fund to be used solely for the purpose of maintaining the acquired properties;

2. That the Town appropriate TWO MILLION NINE HUNDRED THOUSAND DOLLARS (\$2,900,000) for costs related to the aforesaid acquisitions, including legal fees, net interest on borrowings and other financing costs, and other expenses related to the acquisitions and their financing. The appropriation will be funded in part by FIFTY THOUSAND DOLLARS (\$50,000) from the Town of Woodbury Open Space Fund Number 1 and TWO HUNDRED THOUSAND DOLLARS (\$200,000) from the Town of Woodbury Open Space Fund Number 2, and the balance, to the extent not defrayed from grants, from the proceeds of borrowings as described below. The State of Connecticut Department of Energy and Environmental Protection has approved a grant under the Open Space and Watershed Land Acquisition Program in an amount not to exceed \$1,500,000 to defray in part the Purchase Price. No portion of the appropriation shall be disbursed by the Town to pay the Purchase Price until the Town has received the State grant amount to be applied to defray in part the Purchase Price.

3. That the Town issue bonds or notes in an amount not to exceed TWO MILLION SIX HUNDRED FIFTY THOUSAND DOLLARS (\$2,650,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project and not separately appropriated to pay project costs. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

4. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes and the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed TWO MILLION SIX HUNDRED FIFTY THOUSAND DOLLARS (\$2,650,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

5. That prior to the sale of each borrowing for the project, the Board of Finance shall determine the maximum dollar amount of the borrowing and whether such borrowing shall be in the form of a bond, note or temporary note.

6. That the First Selectman and the Treasurer of the Town shall sign any bonds or notes and temporary notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds or notes and temporary

notes. The First Selectman and the Treasurer are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes and temporary notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes and temporary notes; to provide for the keeping of a record of the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes and temporary notes; to sell the bonds or notes and temporary notes at public or private sale; to deliver the bonds or notes and temporary notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes and temporary notes.

7. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The First Selectman and the Treasurer are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes and temporary notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

8. That the First Selectman and the Treasurer are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes and temporary notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes and temporary notes.

9. That the First Selectmen is authorized to execute and file on behalf of the Town one or more applications for grants to defray in part the appropriation for the acquisitions, including but not limited to Open Space and Watershed Land Acquisition Grants from the State of Connecticut Department of Energy and Environmental Protection, to execute and deliver any and all documents or agreements required or desirable in connection with the receipt of such grants, and to take any other action necessary or desirable to implement such agreements.

10. That the First Selectman and other proper officers of the Town are authorized on behalf of the Town to take all actions and to enter into, execute and deliver any and all other agreements or documents necessary or advisable to implement the aforesaid acquisitions and the financing thereof. The Board of Selectmen, the First Selectman, the Treasurer and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes and temporary notes and obtain grants to finance the aforesaid appropriation.

AGENDA ITEM FOR BOARD OF SELECTMEN

(February 11, 2016)

Item 9b. To consider and act upon a resolution making recommendations regarding the purchase and acquisition from Aquarion Water Company of Connecticut of two parcels of land known as the Woodbury Reservoir Land located in the Towns of Woodbury and Southbury, and the Sherman Hill Road Land in the Town of Woodbury, the appropriation of funds for the costs of such acquisitions, the authorization of borrowings to finance such appropriation, and other related matters; and setting a Special Town Meeting to act on such recommendations and making various determinations in connection therewith.

RESOLUTION OF BOARD OF SELECTMEN

(February 11, 2016)

Item 9b. (\$2,900,000 Acquisition of Woodbury Reservoir Land and Sherman Hill Road):

RESOLVED, that the Board of Selectmen recommends, and refers such recommendations to the Board of Finance, that the Town of Woodbury:

(a) Purchase and acquire from Aquarion Water Company of Connecticut of two parcels of land consisting of: (1) the so-called Woodbury Reservoir Land (the "Woodbury Reservoir Land") comprising approximately 181.35 acres, more or less, located in the Towns of Woodbury and Southbury, and more particularly described below, and (2) the so-called Sherman Hill Road Land (the "Sherman Hill Road Land") comprising approximately 64.15 acres, more or less, located in the Town of Woodbury, and as more particularly described below; which acquisitions the Board of Selectmen recommends be by private sale. The acquisitions include all buildings and improvements situated on the parcels and any fixtures therein, if any, and all right, title and interest of Aquarion Water Company of Connecticut in and to the land lying in the bed of any street or highway in front of or adjoining the parcels, and all other appurtenances (excluding utility rights and easements and any equipment lying in the bed of any such street or highway owned or used by Aquarion Water Company of Connecticut in its capacity as a water supply company) to the parcels and such building and improvements. Said parcels of land are conveyed subject to certain reservations, intentions to sell, notices to acquire and open space notices, and a certain right of way, all as described in the Contract of Sale dated October 22, 2015, between Aquarion Water Company of Connecticut and the Town with respect to the acquisitions, and the First Amendment to the Contract of Sale dated November 18, 2015.

Legal Description of Woodbury Reservoir Land: All that certain piece or parcel of land situate in the Town of Woodbury and Southbury, County of Litchfield, State of Connecticut as shown on map entitled "Perimeter Survey Prepared For Aquarion Water Company Of Connecticut, Old Woodbury Road, Scuppo Road and Old Sherman Hill Road, Woodbury and Southbury, Connecticut" dated April 25, 2014, scale 1"=100',

TOWN OF WOODBURY
NOTICE AND WARNING OF SPECIAL TOWN MEETING
MARCH __, 2016

Pursuant to Sections 203 and 204 of the Woodbury Charter, all electors and citizens qualified to vote in town meetings of the Town of Woodbury, Connecticut, are hereby notified and warned that a Special Town Meeting will be held in the auditorium of Nonnewaug High School, 5 Minortown Road in Woodbury, Connecticut, on ____ day, March __, 2016 at 7:30 p.m. for the following purposes:

1. To consider and act on a resolution:

a. To authorize the purchase and acquisition from Aquarion Water Company of Connecticut of two parcels of land consisting of: (1) the so-called Woodbury Reservoir Land (the "Woodbury Reservoir Land") comprising approximately 181.35 acres, more or less, located in the Towns of Woodbury and Southbury, and more particularly described below, and (2) the so-called Sherman Hill Road Land (the "Sherman Hill Road Land") comprising approximately 64.15 acres, more or less, located in the Town of Woodbury, and as more particularly described below; which acquisitions the Board of Selectmen recommends be by private sale. The acquisitions include all buildings and improvements situated on the parcels and any fixtures therein, if any, and all right, title and interest of Aquarion Water Company of Connecticut in and to the land lying in the bed of any street or highway in front of or adjoining the parcels, and all other appurtenances (excluding utility rights and easements and any equipment lying in the bed of any such street or highway owned or used by Aquarion Water Company of Connecticut in its capacity as a water supply company) to the parcels and such building and improvements. Said parcels of land are conveyed subject to certain reservations, intentions to sell, notices to acquire and open space notices, and a certain right of way, all as described in the Contract of Sale (the "Contract of Sale") dated October 22, 2015, between Aquarion Water Company of Connecticut and the Town with respect to the acquisitions, and the First Amendment to the Contract of Sale dated November 18, 2015. Copies of the Contract of Sale and the First Amendment thereto are on file in the office of the Town Clerk.

Legal Description of Woodbury Reservoir Land: All that certain piece or parcel of land situate in the Town of Woodbury and Southbury, County of Litchfield, State of Connecticut as shown on map entitled "Perimeter Survey Prepared For Aquarion Water Company Of Connecticut, Old Woodbury Road, Scuppo Road and Old Sherman Hill Road, Woodbury and Southbury, Connecticut" dated April 25, 2014, scale 1"=100', prepared by CCA, LLC of Brookfield, Connecticut and being more particularly bounded and described as follows:

Beginning at a point on the Northerly street line of Old Woodbury Road and the Southwesterly corner of lands belonging now or formerly to Willard K. Denton, Jr. and Mary Anne Denton as recorded in Southbury land records as deed Volume 539 page 295; Thence along the Northerly street line of said Old Woodbury Road and the Easterly street line of Scuppo Road the following 31 courses N72°38'09"W 387.44', N73°44'10"W 479.22', N75°13'56"W 210.38', N79°09'15"W 417.02', N84°42'42"W 244.89', S83°47'13"W 225.85',

S85°07'50"W 112.60', S86°14'30"W 362.22' on a curve to the right having a radius 240.00', an arc length 127.31', a delta 30°23'32" and a chord N21°40'36"W 125.82', N06°28'50"W 591.88" on a curve to the left having a radius 438.25', an arc length 125.57', a delta 16°24'59" and a chord N14°41'20"W 125.14', on a curve to the right having a radius 158.77', an arc length 86.65', a delta 26°43'31" and a chord N09°32'04"W 85.87', N03°49'42"E 97.99' on a curve to the left having a radius 286.32', an arc length 323.90', a delta 64°48'55" and a chord N28°34'27" 306.90', N60°58'55"W 50.54', on a curve to the right having a radius 798.90', an arc length 161.16', a delta 11°33'28" and a chord 55°12'10"W 160.88', N49°25'26"W 81.09', on a curve to the left having a radius 346.00', an arc length 276.51', a delta 45°47'16", and a chord N72°19'04"W 269.21', on a curve to the right having a radius 400.00', an arc length 256.35', a delta 36°43'12", and a chord N76°51'06"W 251.99, N58°29'30"W 358.68', S73°31'55"W 282.63', N44°51'03"W 120.75', N74°29'14" 224.84', N61°33'27"W 66.69', N46°10'15"W 37.05', N62°19'16"W 37.23', N63°14'02"W 81.85', N43°36'50"W 103.90', N33°40'30"W 134.90', N60°58'09"W 258.01', N75°39'06"W 147.11' to a point on the Southwesterly corner of lands belonging now or formerly to Town of Woodbury as recorded in deed Volume 180 page 719; Thence the following 19 courses N76°28'42"E 265.93, N42°51'34"E 194.85', S77°30'51"E 110.57', S76°27'32"E 123.96', N76°43'41"E 229.83', N75°37'52"E 149.56', N83°19'12"E 83.69', N72°55'23"E 86.20', N76°22'57"E 312.45', N75°44'06"E 140.14', N75°46'07"E 77.94', N75°46'47"E 124.83', N74°11'48"E 163.34', N74°26'33"E 338.63', N11°41'41"W 422.92', on a curve to the right having a radius 741.78', an arc length 669.12', a delta 51°41'00" and a chord N14°08'49"E 646.66', N39°59'19"E 649.32', on a curve to the right having a radius 1935.08', an arc length 608.55', a delta 18°01'07" and a chord N48°59'52"E 606.05', N58°01'19"E 13.99' to a point on the Southerly street line of Old Sherman Hill Road; Thence along the Southerly street line of said Old Sherman Hill Road S74°00'12"E 182.12' to a point on the Northwesterly corner of lands belonging now or formerly to Jonathan Tait Murphy and John Spencer Melder as recorded in deed Volume 390 page 1177; Thence the following 25 courses S53°47'43"W 364.10', S48°34'13"W 134.00', N43°49'47"W 97.53', on a curve to the left having a radius 1885.08', and arc length 210.79', a delta 06°24'24" and a chord S43°11'31"W 210.68', S39°59'19"W 649.32', on a curve to the left having a radius 691.78', an arc length 321.39', a delta 26°37'08" and a chord S26°40'45"W 318.51, S25°27'25"E 223.40', N19°10'36"E 17.21', S61°54'55"E 293.51', S75°23'43"E 244.49', S70°10'00"E 418.44', S41°02'57"E 180.38', S35°44'27"E 700.84', S25°51'38"E 25.37', S31°33'34"E 564.91', S41°28'15"E 224.56', S25°27'12"E 216.06', S19°36'18"E 396.70', S16°47'51"E 170.97', S20°09'49"E 152.76', S25°06'17"E 80.98', S22°57'24"E 246.36', S24°47'22"E 401.74', S23°37'10"E 339.31', S09°31'02"E 187.81' to the point or place of beginning. Said parcel containing 181.35 +/- acres.

Legal Description of Sherman Hill Road Land: All that certain piece or parcel of land situate in the Town of Woodbury, County of Litchfield, State of Connecticut as shown on

map entitled "Perimeter Survey Prepared For Aquarion Water Company Of Connecticut, Sherman Hill Road and Tuttle Road, Woodbury, Connecticut" dated February 11, 2015, scale 1"=100', prepared by CCA, LLC of Brookfield, Connecticut and being more particularly bounded and described as follows:

Beginning at a point on the Northerly Right of Way line of Connecticut Route 64 and the Southwesterly corner of lands belonging now or formerly to Nashe Real Estate, LLC as recorded in deed Volume 353 page 805; Thence along the Northerly Right of Way line of said Connecticut Route 64 the following six courses N78°11'12"W 1457.94', on a curve to the left having a radius 8644.42' and an arc length 220.10', a delta 01°27'32" and a chord N78°54'58"W 220.10', on a curve to the left having a radius 8644.42', an arc length 219.86', a delta 01°27'26", and a chord N80°22'27"W 219.85', N81°00'42"W 59.04', N08°21'39"E 36.75', N84°56'14"W 161.04' to a point at the Southeasterly street line intersection of Tuttle Road; Thence along the Easterly street line of Tuttle Road the following three courses N06°41'36"W 794.55', N08°01'46"W 195.13', N25°46'16"W 188.82' to a point on the Southwesterly corner of lands belonging now or formerly to Flanders Nature Center and Land Trust, Inc. as recorded in deed Volume 406 page 188; Thence the following 20 courses S42°37'34"E 236.33', S87°16'40"E 308.58', N86°35'24"E 207.15', S70°48'24"E 328.12', N34°12'11"E 333.15', N86°46'48"E 131.73', S72 °33'01"E 274.62', N84°27'04"E 253.50', N75°32'38"E 158.77', S85°01'26"E 188.30', S16°17'38"E 203.82', S88°31'50"E 173.62', S58°04'22"E 105.43', S11°21'18"W 15.00', S11°21'18"W 218.79', S06°58'15"W 347.08', S19°30'29"W 294.47', S31°00'37"E 53.14', S01 °25'55"E 161.59', S11°37'56"W 244.85' to the point or place of beginning. Said parcel containing 64.15 +/- acres.

Such parcels and related, buildings, improvements and other appurtenances will be acquired in a private sale from Aquarion Water Company of Connecticut for a purchase price of \$2,850,000, subject to customary adjustments at closing (the "Purchase Price"), and subject to such other terms and conditions as the Board of Selectmen may approve in its discretion. The closing on the acquisitions will occur on the date which is sixty (60) days following the later to occur of: (a) the date on which Aquarion Water Company of Connecticut provides the Town with written notice that Aquarion Water Company of Connecticut has satisfied the contingencies set forth in the Contract of Sale, and (b) the date on which the Town provides Aquarion Water Company of Connecticut with written notice that the Town has satisfied certain contingencies set forth in the Contract of Sale. If said date is not a business day, the closing shall occur on the second business day following said date. It is the intent of the Town and Aquarion Water Company of Connecticut to use reasonable efforts to cause the closing date to be no later than October 31, 2016, or at a date mutually agreed to by the parties. At the closing on the acquisitions, Aquarion Water Company of Connecticut shall donate \$50,000 to the Town to be placed in a special, designated fund to be used solely for the purpose of maintaining the acquired properties;

b. To appropriate \$2,900,000 for costs related to the aforesaid acquisitions, including legal fees, net interest on borrowings and other financing costs, and other expenses

related to the acquisitions and their financing. The appropriation will be funded in part by \$50,000 from the Town of Woodbury Open Space Fund Number 1 and \$200,000 from the Town of Woodbury Open Space Fund Number 2, and the balance, to the extent not defrayed from grants, from the proceeds of borrowings as described below. The State of Connecticut Department of Energy and Environmental Protection has approved a grant under the Open Space and Watershed Land Acquisition Program in an amount not to exceed \$1,500,000 to defray in part the Purchase Price. No portion of the appropriation shall be disbursed by the Town to pay the Purchase Price until the Town has received the State grant amount to be applied to defray in part the Purchase Price.

c. To authorize the issue of bonds or notes of the Town in an amount not to exceed \$2,650,000 to finance the appropriation for the project; to provide that the amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project and not separately appropriated to pay project costs; to authorize the issuance of temporary notes in anticipation of the receipt of proceeds from the issuance of the bonds or notes and the receipt of grants for the project; to provide that prior to the sale of each borrowing for the project, the Board of Finance shall determine the maximum dollar amount of the borrowing and whether such borrowing shall be in the form of a bond, note or temporary note; to authorize the First Selectman and the Treasurer of the Town to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes and temporary notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes and temporary notes;

d. To take such action to allow temporary advances of available funds which the Town reasonably expects will be reimbursed from the proceeds of borrowings; and to authorize the First Selectman and the Treasurer to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes and temporary notes authorized by the resolution if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years, and to make representations and enter into written agreements for the benefit of holders of the bonds or notes and temporary notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes and temporary notes;

e. To authorize the First Selectmen to execute and file on behalf of the Town one or more applications for grants to defray in part the appropriation for the acquisitions, including but not limited to Open Space and Watershed Land Acquisition Grants from the State of Connecticut Department of Energy and Environmental Protection, to execute and deliver any and all documents or agreements required or desirable in connection with the receipt of such grants, and to take any other action necessary or desirable to implement such agreements; and

f. To authorize the First Selectman and other proper officers of the Town on behalf of the Town to take all actions and to enter into, execute and deliver any and all other agreements or documents necessary or advisable to implement the aforesaid acquisitions and the financing thereof; and to authorize the Board of Selectmen, the First Selectman, the Treasurer and other proper officers of the Town to take all other action which is necessary or desirable to complete

the project and to issue bonds or notes and temporary notes and obtain grants to finance the aforesaid appropriation.

Dated at Woodbury, Connecticut, this _____ day of _____, 2016.

First Selectman William J. Butterly, Jr.

Selectman Barbara Perkinson

Selectman Michael Gransky

Town Clerk Linda Carlson