



Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

**Board of Selectmen Agenda
Regular Meeting @ 7:00 PM
Thursday, November 20, 2014
Colchester Town Hall
Meeting Room 1**

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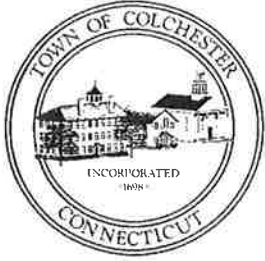
1. Call to Order
2. Additions to the Agenda
3. Approve Minutes of the November 6, 2014 Regular Board of Selectmen Meeting
4. Citizen's Comments
5. Boards and Commissions – Interviews and/or Possible Appointments and Resignations
 - a. Open Space Commission – William Hochholzer Possible Reappointment for a Three Year Term to Expire 3/31/2017
 - b. Commission on Aging – Robert Gustafson Possible Reappointment for a Three Year Term to Expire 12/1/2017
 - c. Youth Services Advisory Board
 1. Rob Suchecki Possible Reappointment for a Three Year Term to Expire 12/1/2015
 2. Elyse Gabel Possible Reappointment for a Three Year Term to Expire 12/1/2017
 3. Kathy Wonderly Possible Reappointment for a Three Year Term to Expire 12/1/2017
 4. Shirley Ellis Possible Reappointment for a Three Year Term to Expire 12/1/2017
 5. Lorraine Marvin Possible Reappointment for a Three Year Term to Expire 12/1/2016
 6. Gina Ebbeling Possible Reappointment for a Three Year Term to Expire 12/1/2016
 7. Linda Bromley Possible Reappointment for a Three Year Term to Expire 12/1/2015
 8. Ginnie Streppa Possible Reappointment for a Three Year Term to Expire 12/1/2016
 9. Josh Vinoski Possible Reappointment for a Three Year Term to Expire 12/1/2016
 10. Tricia Dean to be interviewed
6. Budget Transfers
7. Tax Refunds & Rebates
8. Discussion and Possible Action on Dog Policy during Park & Rec R8 Events
9. Discussion and Possible Action on East River Energy
10. Discussion and Possible Action on the Colchester Budget Priority Survey
11. Citizen's Comments

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12. First Selectman's Report

13. Liaison Reports

14. Adjourn



Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

**Board of Selectmen Minutes
Regular Meeting Minutes
Thursday, November 6, 2014
Colchester Town Hall – 7:00 PM
Meeting Room 1**

MEMBERS PRESENT: First Selectman Stan Soby, Selectman Denise Mizla, Selectman Bill Curran and Selectman Kurt Frantzen.

MEMBERS ABSENT: Selectman Rosemary Coyle

OTHERS PRESENT: Superintendent Jeff Mathieu, Tax Collector Don Philips, Public Works Director Jim Pagnoli, Town Planner Adam Turner, Town Engineer Sal Tassone, Tricia Dean Clerk, and other citizens

1. Call to Order

First Selectman S. Soby called the meeting to order at 7:03 p.m.

2. Additions to the Agenda

S. Soby asked that the following item be added to the agenda as Item #7G Open Space Commission, Nick Norton possible reappointment for a three year term to expire 3/31/2017; Item #16 Discussion and Possible Action on Town Clerk recommendations for revenue options; Item #17 Discussion and Possible Action on Town Clerks recommendation for Mortgage Electronic registrations systems revenue; Item #18 Discussion and Possible Action on Budget Transfer Procedure, remaining agenda items be renumbered accordingly.

B Curran moved to approve the additions to the agenda as presented, seconded by D. Mizla. Unanimously approved. MOTION CARRIED.

3. Approve Minutes of the October 16, 2014 Commission Chairmen Regular Meeting

D Mizla moved to approve the Regular Commission Chairmen Meeting minutes of October 16, 2014, seconded by K Frantzen. Unanimously approved. MOTION CARRIED

4. Approve Minutes of the October 16, 2014 Regular Board of Selectmen Meeting

K Frantzen moved to approve the Regular Board of Selectmen Meeting minutes of October 16, 2014, seconded by D Mizla. Unanimously approved. MOTION CARRIED

5. Approve Minutes of the October 31, 2014 Special Board of Selectmen Meeting

D Mizla moved to approve the Special Board of Selectman meeting minutes of October 31, 2014, seconded by K Frantzen. Unanimously approved. MOTION CARRIED

6. Citizen's Comments - None

7. Boards and Commissions – Interviews and/or Possible Appointments and Resignations

a. Conservation Commission – Susan Bruening Possible Reappointment for a Three Year Term to expire 10/31/2017

Susan Bruening was interviewed.

K Frantzen moved to reappoint Susan Bruening as a member of the Conservation Commission for a Three Year Term to Expire 10/31/2017, seconded by B. Curran. Unanimously approved. MOTION CARRIED

Susan Bruening was presented with a Town of Colchester pin, by S Soby, for her hard work and dedication to the Conservation Commission.

b. Historic District Commission – Linda Akerman, current Alternate Member, Possible Appointment to Regular Member for a Five Year Term to Expire 11/30/2018

Linda Akerman was not present.

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TOWN CLERK

D Mizla moved to appoint Linda Akerman as Regular Member of the Historic District Commission for a Five Year Term to Expire 11/30/2018, seconded by Kurt Frantzen. Unanimously approved. MOTION CARRIED

c. Police Commission – Jeannette Langdon Possible Reappointment for a Three Year Term to Expire 11/30/2017

Jeannette Langdon was interviewed.

D Mizla moved to reappoint Jeannette Langdon as a member of the Police Commission for a Three Year Term to Expire 11/30/2017, seconded by B Curran. Unanimously approved. MOTION CARRIED

Jeannette Langdon was presented with a Town of Colchester pin, by S Soby, for her hard work and dedication to the Police Commission.

d. Economic Development Commission – Bruce Fox Possible Reappointment for a Five Year Term to Expire 10/1/2019

Bruce Fox was interviewed.

B Curran moved to reappoint Bruce Fox as a member of the Economic Development Commission for a Five Year Term to Expire 10/1/2019, seconded by D Mizla. Unanimously approved. MOTION CARRIED.

Bruce Fox was presented with a Town of Colchester pin, by S Soby, for his hard work and dedication to the Economic Development Commission.

e. Commission on Aging – Resignation of Joe Menhart

D Mizla moved to accept the resignation, with regret, of Joe Menhart from the Commission on Aging, seconded by Bill Curran. Unanimously approved. MOTION CARRIED

f. Agriculture Commission – Donna Rosenblatt to be interviewed

Donna Rosenblatt was interviewed.

K Frantzen moved to appoint Donna Rosenblatt as an alternate member to the Agriculture Commission for a Three Year Term to Expire 11/30/2017, seconded by D Mizla. Unanimously approved. MOTION CARRIED.

g. Open Space Commission – Nick Norton Possible Reappointment for a Three Year Term to Expire 3/31/2017

Nick Norton was interviewed.

K Frantzen moved to reappoint Nick Norton as a member of the Open Space Commission for a Three Year Term to Expire 3/31/2017, seconded by B Curran. Unanimously approved. MOTION CARRIED

Nick Norton was presented with a Town of Colchester pin, by S Soby, for his hard work and dedication to the Open Space Commission.

8. Budget Transfers

2014-2015 Budget Transfer relates to the legal challenge on the absentee ballot applications

D Mizla moved to approve the 2014-2015 budget transfer, seconded by B Curran. Unanimously approved. MOTION CARRIED.

2013-2014 Budget Transfer Package

B Curran questioned the Cragin Library transfer. S Soby explained that it was due to the variable rate on electricity, currently have plans to ensure that it won't happen going forward.

D Mizla moved to approve the package as presented, seconded by K Frantzen. Unanimously approved. MOTION CARRIED.

9. Tax Refunds & Rebates

D Mizla moved to approve tax refunds in the amount of \$429.20 to Aaron Supreme, \$21.40 to Curtis Kraemer, \$6.00 to Irving or Roselyn Plotkin, \$451.57 to Honda Lease Trust, \$19.96 to Tommy Verian, \$6.64 to Maureen McDermott, \$6.09 to Sandra Gregory, \$58.60 to Denay Latz, seconded by B Curran. Unanimously approved. MOTION CARRIED

10. Discussion on Colchester Public Schools Strategic Plan facilitated by Doreen Marvin

J Mathieu discussed the process; focus groups will be done by early January. Focus groups will consist of Administration from all four schools, Colchester Business Association, Senior Center, and there will be two public open forums that will ask the question: In the next five years or so where do you see the district heading towards? Then early spring the plan will be ready to present to all Boards.

Debra facilitated a conversation to gather input on the direction for Strategic Plan for Colchester Schools with the Board.

11. Discussion and Possible Action on Point & Pay On-line Tax Bill Payment Vendor

Tax Collector D Philips presented the board with the steps involved in selecting the recommended vendor, the pros of implementing the system to the residents, and the impact on the office in implementation.

Questions were posed by the board in relation to security, cost implications, and productivity.

K Frantzen moved to authorize the First Selectman to negotiate and execute an agreement and any required ancillary

documents with Point & Pay to enable taxpayers to make payments to the Tax Collector using on-line payment products and services provided by the vendor, seconded by B Curran. Unanimously approved. MOTION CARRIED.

12. Discussion and Possible Action on Paper Mill Road Bridge over Jeremy River

S Tassone, Town Engineer, discussed two repair options from a feasibility report that was done on the bridge. Grant funding may be an option, if awarded, to offset the cost of repairs. Grant application through STEAP needs to be submitted by November 28, 2014, with an application fee of \$975.

D Mizla moved that the Town of Colchester Board of Selectmen move forward with a STEAP grant application to be prepared by Anchor Engineering for the design/reconstruction of Paper Mill Road Bridge over Jeremy River as recommended by the Town Engineer, seconded by B Curran. Unanimously approved. MOTION CARRIED

13. Discussion and Possible Action on Roof Evaluation Proposals

J Paggioli, PW Director, and K Jackson, Director of Educational Operations, submitted three proposals for the recommended roof evaluations of the Town and Board of Education facilities. Of the three proposals, K Jackson is recommending The Garland Company as their cost was reasonable and he has worked with the company before and finds that they were extremely thorough.

K Frantzen moved to award the work for roof evaluation to The Garland Company as recommended, in the amount of \$5,775.00 and sign all necessary documents, seconded by D Mizla. Unanimously approved. MOTION CARRIED

14. Discussion and Possible Action on Conn DOT Master Municipal Agreement for Right of Way Projects

J Paggioli, PW Director, explained the two choices for the Agreement for Right of Way Projects. State guidelines must be met for local roads right of way. The master agreement states that the Town will handle the projects one of the two ways for the next ten years. A decision on which way to follow does not need to be made until the first project takes place.

B Curran moved that the First Selectman be authorized to enter into a Master Municipal Agreement for Right of Way Projects for the Town of Colchester, with the State of Connecticut Department of Transportation, and sign all necessary Documents, seconded by D Mizla. Unanimously approved. MOTION CARRIED.

15. Discussion and Possible Action on Local Prevention Council Grant

D Mizla moved to approve the application for the Local Prevention Council Grant and authorize the First Selectman to Sign all necessary documents, seconded by B Curran. Unanimously approved. MOTION CARRIED.

16. Discussion and Possible Action on Town Clerk Recommendations for Revenue Options

Town Clerk suggested charging for Notary Services that are currently offered as a free service, and selling Vital Envelopes for documents. So Soby stated that it would have an impact on the town by charging fees and services. This will be revisited at the next meeting.

17. Discussion and Possible Action on Town Clerks recommendation for Mortgage Electronic Registrations Systems Revenue

In the MERS agreement, it is not stated how the funds received are to be used. Town Clerk would like to use the accumulated funds to be used for a new map cabinet.

K Frantzen moved to authorize the First Selectman and Town Clerk to make use of available MERS account funds to purchase a map cabinet and possibly supply cabinet to support Town Clerks office records, seconded by D Mizla. Unanimously approved. MOTION CARRIED

18. Discussion and Possible Action on Budget Transfer Procedure

S Soby discussed final revision to the budget transfer procedure document.

K Frantzen moved to approve the draft of Town Budget Transfer Procedure as presented, seconded by D Mizla. Unanimously approved. MOTION CARRIED

19. Discussion and Possible Action on 2015 Board of Selectmen Meeting Dates

B Curran moved to adopt the 2015 Board of Selectmen meeting dates, seconded by D Mizla. Unanimously approved. MOTION CARRIED

20. Discussion and Possible Action on 2015 Chairmen Commission Meeting Dates

D Mizla moved to adopt the 2015 Chairmen Commission meeting dates, seconded by B Curran. Unanimously approved. MOTION CARRIED

21. Discussion and Possible Action on Code Enforcement Department Re-design

A continuation of discussion from the last Board of Selectmen meeting ensued. A Turner, Town Planner, outlined the qualifications of the current Fire Marshall in regards to the Building Inspector position. A Turner is recommending that R Gustafson moves into the Building Inspector position while maintaining the position of Fire Marshal. A salary adjustment will need to be made accordingly. A Turner is also recommending hiring a second Assistant for inspections and technical duties. Along with these changes all Planning & Zoning employees will report to A Turner.

B Curran moved to authorize the First Selectman to take necessary actions to instigate the organizational redesign of Planning & Zoning as outlined in the town Planners memo and any additional steps as appropriate under the Charter, seconded by B Curran. Unanimously approved. MOTION CARRIED

22. Citizens Comments

D Philips advised the board in regards to charging for notary fees, that there may be a state statute on what the fee can be set at.

23. First Selectman's Report

Sgt. Mercer will be discussing cost for advertising of replacement officer. Temp coverage is needed in the Police Dept for an administrative assistant; Stan has reviewed the Fire Dept. RFQ Strategic Plan submissions. A consultant selection has been agreed upon. Discussion with the Board of Finance will be on the Agenda on the next meeting; Town was awarded Open Space \$33,183 for 10 acres; Pictures of the banners going on the lamp posts on the streetscape was shown and they will go through the EDC for approval at their next meeting; Reimbursement of the SAFER grant due to year over year decline, midway through the software was changed and the cost was recalculated ahead of time. Town's CFO is working on maximizing the reimbursement on the SAFER grant; Senior Center engineering report has come in although costs were not included. J Paggioli is gathering numbers, then the committee will regroup on how to proceed; KX Consolidation continues. Lebanon will be going with Willimantic and East Hampton is talking with Valley Shore; an increase was seen at the library for electricity. Going forward looking to secure wholesale purchase for stable pricing.

24. Liaison Reports

D Mizla – Park & Rec Commission, Trick or Trunk was a great success, election day bake sale generated \$457 for youth services fund, Consignment tag sale raised \$430 that will be donated to youth and social services.

K Frantzen – Ethics, efforts to resolve the committee issues continues. Hope to have resolution within 2-3 weeks.

B Curran – Economic Development meeting did not meet because of no quorum

25. Executive Session to Discuss a Pending Claim

D Mizla moved to enter into executive session to discuss a pending claim, invited Adam Turner seconded by K Frantzen. Unanimously approved. MOTION CARRIED

S Soby, D Mizla, K Frantzen, and Bill Curran entered into executive session. Town Planner, Adam Turner was invited into executive session.

Entered into executive session at 9:19 p.m.

Exited from executive session at 9:54 p.m.

26. Discussion and Possible Action on Pending Claim

K Frantzen moved that the pending claim be addressed by the First Selectman in conjunction with the necessary departments and Town Counsel, seconded by D Mizla. Unanimously approved. MOTION CARRIED.

27. Adjourn

K Frantzen moved to adjourn at 9:56 p.m., seconded by B Curran. Unanimously approved. MOTION CARRIED.

Respectfully submitted,

Tricia Dean, Clerk

Open Space Commission-7 Members, 3 year terms

<i>Position</i>	<i>Name</i>	<i>Party</i>	<i>Phone</i>	<i>Expiration Date</i>
Chair	Nick Norton	R	860-267-0749 nmorton@yahoo.com	3/31/2017
Vice Chair	Theodore Fuini	R	860-537-1717	3/31/2014
Member	William Hochholzer	U	860-537-9691 william8347@sbcglobal.net	3/31/2014
Member	Mary Stevens	D	860-537-6163 mstevens14@comcast.net	10/1/2016
Member	VACANT			3/31/2015
Member	VACANT			3/31/2017
Member	VACANT			3/31/2017

Some members of this commission have specific requirements, membership in certain groups, etc. We'll have to discuss if anything comes up for this.

Open Space Commission

Commission on Aging-7 Members, 2 Alternates, 3 year terms

<i>Position</i>	<i>Name</i>	<i>Party</i>	<i>Phone</i>	<i>E-mail</i>	<i>Expiration Date</i>
Chair	Gary Siddell	D	860-603-2155	siddellg66@comcast.net	12/1/2015
Member	Rose Levine	D	860-531-9048	rose.m.levine@comcast.net	12/31/2015
Member	Robert Gustafson	D	860-537-3889	rguscha@sbcglobal.net	12/1/2014
Member	Goldie Liverant	D	860-537-2151	goldieliverant@att.net	12/31/2016
Member	VACANT				12/1/2014
Member	Jean Stawicki	D	860-537-2013	stawickilaw@snet.net	12/1/2015
Member	VACANT				12/31/2016
Alternate	Susan Choma	D	860-531-9132	sfchoma@yahoo.com	12/31/2016
Alternate	VACANT				12/1/2015
Clerk	Michelle Komoroski	n/a	860-537-9105	rmtdkomo@sbcglobal.net	

Youth Services Advisory Board - 3 year terms

<i>Position</i>	<i>Name</i>	<i>Party</i>	<i>Phone</i>	<i>E-mail</i>	<i>Expiration Date</i>
Chair	Gina Ebbeling	D	831-566-8952	ginabobina16@hotmail.com	12/1/2013
Vice Chair	Rob Suchecki	D	537-7272	rsuchecki@colchesterct.org	12/1/2012
Member	Linda Bromley	D	537-3115		12/1/2012
Member	Shirley Ellis	R	537-4361	sbellis@snet.net	12/1/2014
Member	Elyse Gabel	D			12/1/2014
Member	Lorraine Marvin	U	537-2687		12/1/2013
Member	Ginnie Streppa	R	860-967-9039	ginnie.streppa@gmail.com	12/1/2013
Member	Josh Vinoski	D		ivino5@colchesterct.org	12/1/2013
Member	Kathy Wonderly	U	531-9360	kwonderly@colchesterct.org	12/1/2014
Member	VACANT				12/1/2014

Non Voting Members

Barbara Gilbert	Board of Education	Curriculum Director
Chris Bennett	WJIMS	Principal
Linda Iacobellis	Bacon Academy	Asst. Principal
Meghan Hickey	Student	

FY 14/15

Town of Colchester
General Fund
Budget Transfer/Additional Appropriation


Department:

Reason for Request:

Reason for Available Funds:

From:	Account Number	Account Name	Amount
	<input type="text" value="13203-40101"/>	<input type="text" value="Regular Payroll"/>	<input type="text" value="5,550"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>

To:	Account Number	Account Name	Amount
	<input type="text" value="13203-40105"/>	<input type="text" value="Contractual, Temp, Occasional Payroll"/>	<input type="text" value="5,550"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>

Date Requested 
Department Director or Supervisor - Signature

Print Name

Date Reviewed 
Chief Financial Officer

Date Approved
First Selectman

Date Approved
Board of Selectmen Clerk

Date Approved
Board of Finance Clerk

FY 14/15

Town of Colchester
General Fund
Budget Transfer/Additional Appropriation

Department:

Reason for Request:

Reason for Available Funds:

From:	Account Number	Account Name	Amount
	<input type="text" value="18501-36250"/>	<input type="text" value="Use of G/F Unassigned Fund Balance"/>	<input type="text" value="5,775"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>

To:	Account Number	Account Name	Amount
	<input type="text" value="13205-44208"/>	<input type="text" value="Facilities - Professional Services"/>	<input type="text" value="5,775"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>

Date Requested  Department Director or Supervisor - Signature

Print Name

Date Reviewed  Chief Financial Officer

Date Approved  First Selectman

Date Approved _____ Board of Selectmen Clerk

Date Approved _____ Board of Finance Clerk



**N. Maggie Cosgrove
Chief Financial Officer
Finance Department**

Date: November 12, 2014

To: Board of Selectmen

From: N. Maggie Cosgrove, CFO

Subject: Contract with East River Energy – FY 2015-2016 Unleaded Gasoline, Diesel Fuel and Heating Oil

Description

Heating oil, unleaded gasoline and diesel fuel are purchased on the commodities market based on daily pricing. The Finance Department obtained quotes on November 4, 2014.

The attached contract allows the Town to purchase unleaded gasoline at a fixed price per gallon of \$2.7108 per gallon (excluding taxes), diesel fuel at a fixed price of \$2.9370 (excluding taxes) and heating oil at \$2.8995 (excluding taxes) for the 2015-16 Fiscal Year. These prices represent a reduction from the 14/15 budget estimates of \$3.25, 3.34, 3.09 for heating oil, diesel fuel and unleaded gasoline, respectively.

Recommendation

Authorize First Selectman to sign the attached contract with East River Energy for the purchase of unleaded gasoline, diesel fuel and heating oil for the contract period of July 1, 2015 through June 30, 2016.



East River Energy

· Premium Quality Fuel Oils · Natural Gas · Electricity · Bio Fuels · HVAC

November 4, 2014

Mr. Stan Soby
First Selectman
Mr. Jeffrey P. Mathieu
Superintendent
Town of Colchester &
Colchester Public Schools
127 Norwich Avenue
Colchester, CT 06415

Transmitted via Electronic Mail

Dear Mr. Soby & Mr. Mathieu:

East River Energy is pleased to confirm the following fixed price contract which has already been processed effective this date, as per the electronic mail exchange between Ms. Eva Gallupe of Colchester Public Schools and Maryanne Little of East River Energy.

East River Energy shall supply and the Town of Colchester and Colchester Public Schools shall purchase the following as listed below.

Product	Contract Gallons	Contract Period	Fixed Price Per Gallon Excluding Taxes
#2 Heating Oil (Town)	20,281	7/1/15-6/30/16	\$2.8995
#2 Heating Oil (BOE)	164,000	7/1/15-6/30/16	\$2.8995
Clear Ultra Low Sulfur Diesel Fuel (Town)	21,565	7/1/15-6/30/16	\$2.9370
Clear Ultra Low Sulfur Diesel Fuel (BOE)	65,000	7/1/15-6/30/16	\$2.9370
Regular Unleaded Gasoline (Town)	24,000	7/1/15-6/30/16	\$2.7108

Please note that #2 heating oil is subject to NORA of \$0.0020 per gallon, L.U.S.T of \$0.0010 per gallon and the Federal Spill Fund Recovery Tax of \$0.0019 per gallon. Clear ULS diesel fuel is subject to L.U.S.T of \$0.0010 per gallon and the Federal Spill Fund Recovery Tax of \$0.0019 per gallon. Regular unleaded gasoline is subject to the CT Gross Receipts Tax, L.U.S.T of \$0.0010 per gallon and the Federal Spill Fund Recovery Tax of \$0.0017 per gallon.

East River Energy's payment terms are net 25 days.

Your Energy Partner

401 Soundview Road · P.O. Box 388 · Gullford, CT 06437-0388
203.453.1200 · 800.336.3762 · FAX: 203.453.3899

www.eastriverenergy.com

Est. 1984



East River Energy

· Premium Quality Fuel Oils · Natural Gas · Electricity · Bio Fuels · HVAC

Please sign below where indicated along with Attachment A, and return to my attention immediately.

Thank you for your valued business. I look forward to continuing our mutually rewarding relationship.

Sincerely,

Accepted by:

Accepted by:

Maryanne E. Little

Maryanne E. Little
Bid & Proposal Manager

Stan Seby

Mr. Stan Seby
Dated: 11/6/14

Jeffrey P. Mathieu

Mr. Jeffrey P. Mathieu
Dated: 12/5/14

MEL:teb

Your Energy Partner

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Attachment A

The price contained and offered in this contract is based upon the sale of the quantity of contract gallons as stated in the specifications. In the event that the customer exceeds 100% of the contract gallons during the contract period, East River Energy reserves the right to (1) extend the contract under the same terms and conditions, or (2) change the contract price to the Oil Price Daily New Haven Harbor Average plus \$0.15 per gallon. In the event that the customer purchases less than 100% of the contract gallons during the contract period, East River Energy reserves the right to (1) extend the contract under the same terms and conditions, (2) have the customer purchase at the contract price the difference between the contract gallons and the actual delivered gallons; East River Energy shall have no obligation to deliver remaining gallons, or (3) terminate the contract. Storage fees or liquidation charges may apply and customer will be responsible for payment of any storage fees or liquidation charges. East River Energy will monitor consumption on a monthly basis. East River Energy reserves the right to allocate committed gallons on a pro-rata basis over the term of this contract. Should customer request a #1 Diesel (Kerosene) blend, the #1 Diesel Fuel gallons delivered will be invoiced based on the Oil Price Daily New Haven Harbor Kerosene Average, plus \$0.20 per gallon. Should customer request a Performance Bond, cost is \$15.00 per thousand with a minimum charge of \$100.00.

Customer agrees to the terms of sale as set forth in this contract. If customer fails to pay within the terms of contract, customer agrees that East River Energy has the right to charge, and customer agrees to pay, a finance charge of 1.5% per month on any unpaid balance. If East River Energy hires an attorney or collection agency to collect the amounts the customer owes, customer agrees to pay any costs and expenses, including reasonable attorneys' fees and/or collection agency fees, incurred in the collection of the account or in enforcing the contract. In addition, any credit balance remaining on an account will be applied to the following year's purchases. Please note that any change in State or Federal taxes/fees over the course of the contract period will be passed down to the customer and customer will be responsible for payment on such new tax/fee rate.

East River Energy reserves the right to refuse to deliver to any tank, which, in its sole discretion, is deemed unsafe. Deliveries will resume once the problem is corrected. In the event a "run-out" occurs at a "will-call" tank, East River Energy reserves the right to levy a surcharge commensurate to the cost of providing immediate delivery, if one is requested. In the event a driver is re-routed due to a will call customer not taking the full load as ordered, East River Energy reserves the right to levy a delivery charge. Customer acknowledges that all tanks and piping are in good condition and meet all State and Federal regulations and specifications. Product samples, when requested, must come directly off of the truck before delivery is made. East River Energy is not obligated to deliver to any tanks or locations other than what is stated in the contract and/or bid specifications. In addition, East River Energy reserves the right to levy a fuel surcharge. East River Energy does not provide assurances for fuel which the customer stores in their tanks, or the condition of their tank, leakage or environmental contamination. This is including but not limited to spillage and inaccuracy of fuel ordering. Customer is responsible to notify East River Energy if any tank is replaced, eliminated, or if there is construction work around a tank location. These changes could affect scheduled delivery times, hose lengths, and fittings required to make the delivery. Please have your maintenance personnel keep driveways, pathways and fills clear of ice and snow. This ensures ability of timely delivery and personal safety of our drivers. Demurrage will be assessed if a delivery is delayed at your location by circumstances beyond our control, and/or if our driver finds it necessary to clear ice or snow in order to deliver fuel to your tank(s). Customer is responsible to pay any demurrage, delivery or fuel surcharges assessed during the contract period.

Publication: OPIS publications including the Oil Price Daily are copyrighted documents and therefore are not to be transmitted by East River Energy to the Customer by law. These publications change daily and it is the customer's responsibility to validate posted prices. The posting utilized will be most closely reflective of the product actually being delivered.

Force Majeure: East River Energy shall not be liable to the customer for any losses or damages to that customer in the event East River Energy is unable to fulfill its obligations under this agreement due to acts of God, fire, flood, war or any other causes beyond its control.

Received by: _____

Dated: 11/6/11

Received by: _____

Dated: 11/3/11

Your Energy Partner

401 Soundview Road • P.O. Box 388 • Guilford, CT 06437-0388
203.453.1200 • 800.336.3762 • FAX: 203.453.3899

www.eastriverenergy.com

Est. 1984