

Mulcahy, Carriann

From: Jay Halpern <zoarmonster@sbcglobal.net>
Sent: Thursday, March 05, 2015 12:14 PM
To: Mulcahy, Carriann; alice hallaran; Alicia Perillo; Annes, Eric; Burton Stevens, Oxford Flying Club; Chester Cornacchia; 'Christopher Bernard'; Dana D'Angelo (dangelo.middlebury@snet.net); Dennis Kocyla; DeRosa, Franca L. (FDeRosa@brownrudnick.com); Ed Edelson; Edward Fitzpatrick; Edward S. Hill, Esq.; George Frantzis; Ingrid Manning; jay malcynsky; Jeffrey Cochran; john morissette; Kate J. Truini; Kevin Condon; Kevin R. Zak; Len DeJong; Nancy Vaughan; Naugatuck Valley Audubon Society; Paula Clarke; Pomperaug River Watershed Coalition; Quispe, Marcos; ray pietrorazio; Robert Perrella; Ronald Merancy; Small, Philip M.; Stella Pace; Stephen Gibelli; Stephen Savarese; W. Scott Peterson; Wayne McCormack
Cc: CSC-DL Siting Council
Subject: Re: Filing administrative notice item
Attachments: 10-25-10.docx; 9-12-07.docx; 9-24-07.docx

Since brevity is the soul of wit, my brief is simply composed of three statements (2 from '07, 1 from '10) which represent my current conclusions, as well as provide this new generation of CSC members and parties/intervenors with more of an historical perspective than would otherwise be available. This is the same goal I had when crafting my interrogatories, and, frankly, it's a matter of indifference to me whether or not CPV chooses to answer any of them. My goal was to make sure that the army of lawyers which will invade Oxford should HAZMAT/death/injury/property destruction, health deterioration, etc - God forbid, but the smart money in Vegas isn't betting on there being a safe power plant next to an airport - will have a broader focus re: whom to seek out for damages. That noted, I sincerely believe that, regardless of their indifference to such consequences, CPVTowantic will be spared such massive financial loss when their project is deep-sixed, because nothing good for any community comes from forces that, from the very beginning, had to sneak into that community under such a deep cloak of darkness.

Jay Halpern

Zoarmonster

"You are given only one little spark of madness. Don't lose it." Robin Williams

"Better pass boldly into that other world, in the full glory of some passion, than fade and wither dimly with age." James Joyce

On Tuesday, March 3, 2015 7:58 AM, "Mulcahy, Carriann" <Carriann.Mulcahy@ct.gov> wrote:

From: Naugatuck Valley Audubon Newsletter Editor [<mailto:NVASeditor@mail.com>]
Sent: Tuesday, March 03, 2015 12:04 AM
To: CSC-DL Siting Council
Subject: Filing administrative notice item

Attorney Bachman and members of the Siting Council,

There are some pages out of a long report that I believe are pertinent. I am attaching links and notes, but don't know if this is the proper way. I am also assuming that the deadline for these would also be March 3, 2015.

October 25, 2010

The Honorable Daniel F. Caruso
Chairman
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

RE: DOCKET NO. 192 Towantic Energy, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 512 megawatt electric generating facility located approximately 4,000 feet north of Prokop Road and Towantic Hill Road intersection in the Town of Oxford, Connecticut (the "Certificate")

Dear Chairman Caruso:

Mr. Cannavino's request for an extension of the Towantic Certificate neglects to note the following:

1. As represented at the Town Meeting referenced in his letter, there is a new engineering team and a new set of plans, which have yet to be reviewed by the CSC, or, if so, certainly without notification to me. Such a massive "changed condition," would certainly require at the very least "BACT" review; in fact, after over a decade of inaction, even the original plans would require such a review;
2. The FAA in spring of 2008 declared 5 of the 7 proposed buildings in the Towantic Energy project to be in violation of the airport safety zone;
3. The vote as taken at the Town Meeting was to permit GE Financial to continue to bank the property for 4 more years without payment of taxes. It was not offered to the gathered citizens as the approval of a newly-engineered project, in regard to which no expert testimony had been engaged to represent the opposition case against continuing the failed project.
4. It became evident at that Town Meeting that GE Financial's only interest in extending the Certificate is to hold onto the 20 acres of land with the junction of gas and power lines, a precious commodity to power plant builders, without the Town implementing the long-deferred buyback provision. It was clear that the future purchaser could as easily be an international consortium from Asia, the Middle East, or any other foreign entity having little if any interest in supplying cheaper, cleaner power to our region, and for whom the local concerns enhanced by the recent airplane

crash into nearby transmission lines, as well as the explosion at the Kleen Energy facility, would hold little or no interest.

5. It is also to be noted that the decision to amend, one more time, the circuitous trail of deals cut with GE Financial and Towantic, was held at another Town Meeting, rather than through referendum. The "residents' vote" referenced in Mr. Cannavino's letter was pathetic, relative to the importance of this request and the recouping of the dollars Oxford has already lost waiting for any tax dollars to be paid. This has historically been the method of choice to inflict bad deals on Oxford, and is a methodology which is I'm sure transparent to the members of the Siting Council.
6. The Towantic issue has the distinction of having been the precedent-breaking project whereby the CSC has "banked" land for a project that has gone nowhere and continues to go nowhere. It was a bad precedent ten years ago and is a worse precedent now. All of the studies referenced by Mr. Cannavino are beside the point, as is the Drayton-Rogers letter, given the inability of either GE Financial or Towantic Energy to demonstrate competence to either build or finance this project since its inception in the Arena Capital years. The land should revert back to the people of Oxford and then let the people determine collectively, not in a 20'X 40' room, if and how this dead project should be resurrected.

Very truly yours,

Jay Halpern

At the request of our attorney, I called a CDO board meeting at Jackson Cove to poll our board re: settlement talks with GE. I also invited non-board members who have been stalwarts in our resistance to the power plant for their input, not, however, their vote.

I conveyed the results of that vote to our attorney: 4 board members opposing settlement of any sort, one in favor of recommending that GE move the power plant out of town, but no other form of settlement. It was the consensus of the board that it wasn't our business to propose any satisfactory alternatives to GE, such as moving the plant, so I informed our attorney, at her request, exactly what was decided.

Our attorney, facing an Oct. 2 deadline for oral arguments regarding our lawsuit, indicated to me that GE and its cohorts wanted to talk settlement. As she notes in her email, she knew that CDO had spoken, yet she urged me to participate in the meeting – during critical hours of my work, I might add – so Jackie and I attended.

A GE-funded acquisition of buffer property was suggested by an attendee. Big deal. CDO didn't come into being to negotiate bail-out property sales; it began, and remains, committed to the preservation of our air and water, which will be seriously compromised under the control of intransigent GE, the King of Superfund sites. Both Mira and Bill made it quite clear at the "settlement" talks that they want to live out their lives on current property without fear of environmental contamination, etc.

Regardless, I noted at the end of my participation in the talks – and my cell phone's battery power – that if my counsel advised CDO to consider a concrete settlement proposal generated by GE and its cohorts, we would do so. Nothing of that nature has been generated or, it seems, even been contemplated.

Keep in mind that it was CDO that began this battle; that it was I, as CDO president, who found our attorney and worked hand in glove with her throughout our many years fighting the good fight; that it was CDO that faced down three Oxford administrations, three Siting Council regimes, and all of the multiple, mutating heads on the GE power plant hydra.

It has always been, and remains, CDO that supports Bill, Mira, [adjoining property owners] the citizens of Oxford and the citizens of Middlebury in the primary battle, our battle against pollution. We also continue to challenge the corruption permeating the matrix of local, state, and corporate entities that have schemed to rape us.

We will, however, call another CDO membership meeting to discuss these issues. If Jackie and I no longer represent the wishes of our constituency, we would be happy to resign as officers and let the chips fall where they may. What is determined will be determined by consensus, not by my personal proclivities.

CDO should continue its battle in court, where we are now battling to preserve the equity of contract, the very sacredness of mandated deadlines and legal commitments, which we have seen so blithely, irresponsibly, and I dare say criminally disregarded by all levels of our government over the past decade. There are over 80 caveats to the power plant as a "special exception" in our town: are we to acquiesce in allowing them to be ignored? Are we going to allow GE to control our future and rescind on any and all commitments simply because it knows it can, and without opposition? Our legal appeal at this time will set a crucial precedent, one way or the other.

Jay Halpern

When my wife, Jackie, and I visited the new Oxford High School, we were most gratified. It's a beautiful structure, particularly the library, with the glass walls revealing the greater world outside to the upcoming generations of students, and the sunlight emphasizing that the raison d'être of a library is ... enlightenment. And then there's the auditorium: well, we really can't wait until our town's Junior Shakespearians put on their first play for the community in that grand theater space.

It was also gratifying to see that, as we've long maintained, Oxford can, like 99.9% of the cities and towns in America, build a high school without sacrificing our environment or our political integrity to a power plant, nuclear waste dump, oil refinery, etc, etc. It's regrettable, of course, that the politicians now in power shot down three referendums since 1998 to build a high school. Why, they even fought like hell to prevent the open space purchase that has come to provide Oxford with the site for the school. It's also regrettable that what we could have done years ago for half the price, and now have four fully-operational grades today and a whole cluster of athletic trophies to marvel at, has been so long delayed in order for a few back room deals to be crafted, and a few pockets to be greased.

How had Oxford's plantation mentality -that the "massahs" with their shabby trinkets and long whips are to be welcomed - become so fashionable? Because those in office today have taught many voters to think like losers. These "policy-makers" have for years chanted their "beggars can't be choosers" mantra, in order to make it seem plausible that taxpayer rip-offs, like our multiple "treaties" with the power plant (not worth the paper they're written on when, post-election, the signatories announce a change of heart) are the best we can do for ourselves in these woeful, degenerate times.

Well, we showed them. The high school is up and running in spite of them, in spite of their lies and toothy grins claiming their leadership in our fight to educate our kids. And I suspect that, under the tutelage of Judy Palmer, our school superintendent, Oxford's future generations won't be so stupid as to buy the "beggars can't be choosers" line.

They'll craft their own destinies, as well as Oxford's, without catering to frauds, bankrupts, polluters, racketeers, and the sordid crew shuffling around Town Hall today.

Jay Halpern