



Pursuant to the foregoing notice a regular Representative Town Meeting of the Town of Greenwich was held in the Moderator's Hall of Central Middle School on Monday June 12, 2017 at 8:00 P.M. (E.D.T.)

The meeting was called to order by the Moderator Thomas J. Byrne.

The members pledged allegiance to the flag.

The Moderator announced that as all members had received a copy of the call for the meeting, the reading of the call would be omitted.

Attendance cards were presented showing 181 present, 47 absent and 2 vacancies. Those absent in District 1- Dean C. Goss, Robert Robins; District 2 – Donald R. Conway, John C. Cracraft; District 3- Robert Allen, Steven Rubin; District 4 – Ronald F. Carosella, Alex J. Popp, Jr., Maria M. Popp, Donald R. Vitti; District 5 – Jason Auerbach, Jeffrey S. Bardos, Edward T. Broadhurst III, Timothy D. Oberweger, Karen S. Oztemel; District 6- Hans C. Thalheim, George M. Weiksner; District 7 – Donald E. Hamilton; District 8 – Jonathan H. Bates, Francis J. Burgweger, Jr., Jennifer L Freitag, Klaus H. Jander, Barry W. Rickert, II, Warren D. Silver, Joseph G. Solari, III; District 9 – Stefan Greenberg, Deborah R. Krautheim, Abbe F. Large, Jayson Podber, Christine Quackenbush, Ralph Vizzari, Stephen A. Warzoha; District 10 – Granit Balidemaj, Robert M. Byrnes, Lloyd N. Hull, Lawrence E. Larson, John M. Lucarelli, Bertram M. Metter; District 11 – Todd Kennedy, Robert A Maddux, William P. Richardson, Jr.; District 12 – Daniel A Abaroa, Teresa B. Ginsberg, Victoria M. Hackman, Edward M. Manganiello, John Wissmann, Holly E. D. Young.

The Moderator announced that as all members had received a copy of the minutes of the May 8, 2017 meeting, the reading of the minutes would be omitted. He noted a correction in District for J. Robert Tuthill from District 3 to District 4. The minutes, as amended, were adopted by unanimous consent.

Pursuant to the RTM rules, the Moderator designated that the following items be placed on the consent calendar – 1, 2, & 3.

The items on the consent calendar are as follows:

**1. RESOLVED, that the following named person, nominated by the Board of Selectmen, be reappointed as a member of the Parks and Recreation Commission, for a term expiring March 31, 2020.**

**SCOTT JOHNSON**

**2. RESOLVED, that the following named person, nominated by the Board of Selectmen, be reappointed a member of the Board of Ethics, for a term expiring March 31, 2020.**

**ROBERT SISCA**

**3. RESOLVED, that the Town of Greenwich/Board of Education accept a grant for \$13,500 from the Asia Society for “Confucius Classroom” which provides assistance in identifying and developing a partnership with a school in China organized by the Asia of Society. Said amount be and hereby appropriated to the following:**

- F6071641- 53100                    \$12,500 - Teaching Supplies
- F6071641 - 52100                    \$ 1,000 - Travel Expenses

The vote was now on the consent calendar.

|             |   |     |
|-------------|---|-----|
| In Favor    | - | 168 |
| Against     | - | 1   |
| Abstentions | - | 0   |

Item Carried

The Moderator suggested a motion, which was moved and seconded, to suspend the rules and combine items 4, 5, & 9 for voting purposes. The motion to suspend the rules was approved by voice vote.

The Moderator announced that the combined items were now before the meeting.

The Moderator announced that Item No. 4 on the call was now before the meeting.

Princess Erfe, Administrator of Community Development, offered the following resolution, which was duly moved and seconded regarding Item No. 4.

**4. RESOLVED, pursuant to State Public Act No. 95-268, an Act concerning Neighborhood Assistance, the programs and complete applications filed in the Town Clerk’s office are hereby approved for the purpose of encouraging business contributions to non-profit organizations and government agencies providing important services in Greenwich.**

The Moderator announced that Item No. 5 on the call was now before the meeting.

J. Wayne Fox, Town Attorney, offered the following resolution, which was duly moved and seconded regarding Item No. 5.

**5. RESOLVED, that the sum of \$200,000 be and the same is hereby appropriated to be added to Account Number A140-51400, Professional and Other Special Services – Attorneys.**

The Moderator announced that Item No. 9 on the call was now before the meeting.

Joseph A. Siciliano, Director of Parks & Recreation, offered the following resolution, which was duly moved and seconded regarding Item No. 9.

**9. RESOLVED, that the Town of Greenwich accept the gift of a new audio system from the Greenwich Athletic Association to be installed at the Dorothy Hamill Rink located at 14 Sherman Ave., Greenwich. The value of the new audio system including installation is \$10,458.00.**

The vote was now on the combined items.

|             |   |     |
|-------------|---|-----|
| In Favor    | - | 173 |
| Against     | - | 4   |
| Abstentions | - | 1   |

Items Carried

The Moderator announced that Item No. 6 & 7 had been withdrawn due to not being in legal order.

**6. RESOLVED, that the Representative Town Meeting approve the Bruce Museum MI Application PLPZ 2017 00047.**

**7. RESOLVED, that the Representative Town Meeting approve the Bruce Museum MI Application PLPZ 2017 00048.**

The Moderator announced that Item No. 8 on the call was now before the meeting.

Peter J. Tesei, First Selectman, offered the following resolution, which was duly moved and seconded regarding Item No. 8.

**8. RESOLVED, that the RTM approves the renewal of the lease with the Greenwich Garden Education Center for a part of the building known as the New North Greenhouse a/k/a Horticultural Building and the West Wing of the**

**former mansion owned by the Town and located within the Montgomery Pinetum Park.**

Michael Warner, Chairman of Finance Committee, made a motion to Section 10 line 4 as follows “Any sub lease must be approved by the Board of Selectman and the Representative Town Meeting.”

The vote was now on the Finance Committee Motion.

|             |   |     |
|-------------|---|-----|
| In Favor    | - | 132 |
| Against     | - | 43  |
| Abstentions | - | 3   |

Motion Carried

Michael Warner, Chairman of Finance Committee, made a motion to Section 10 line 1 as follows “The corporation may sublet the premises to another Greenwich not for profit organization only with the express permission of the Board of Selectman.”

The vote was now on the Finance Committee Motion.

|             |   |     |
|-------------|---|-----|
| In Favor    | - | 140 |
| Against     | - | 33  |
| Abstentions | - | 5   |

Motion Carried

Michael Warner, Chairman of Finance Committee, made a motion to delete paragraph 2B regarding renewal of lease terms.

The vote was now on the Finance Committee Motion.

|             |   |     |
|-------------|---|-----|
| In Favor    | - | 104 |
| Against     | - | 69  |
| Abstentions | - | 2   |

Motion Carried

The vote was now on Item No. 8 as amended.

|          |   |     |
|----------|---|-----|
| In Favor | - | 164 |
|----------|---|-----|

Against - 7  
Abstentions - 1

Item Carried

The Moderator announced that Item No. 10 on the call was now before the meeting.

John Toner, Selectman, offered the following substitute resolution, which was duly moved and seconded regarding Item No. 10.

**10. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed an alternate member of the Inland Wetlands & Watercourses Agency for a term expiring 3/31/21.**

**ALAN ROSSI**

John R. Eddy, Chairman of Appointments Committee, made a motion to postpone Item No. 10 to the September 18, 2017 meeting.

Upon a voice vote, motion carried

The Moderator announced that Item No. 11 on the call was now before the meeting.

John Toner, Selectman, offered the following substitute resolution, which was duly moved and seconded regarding Item No. 11.

**11. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Alarm Appeal Board for a term expiring 3/31/18.**

**JOSEPH HAVRANEK**

The vote was now on Item No. 11.

In Favor - 170  
Against - 0  
Abstentions - 1

Item Carried

The Moderator announced that Item No. 12 on the call was now before the meeting.

Richard J. Margenot, Member of District 8, offered the following resolution, which was duly moved and seconded regarding Item No. 12.

## **12. RESOLVED, WHEREAS,**

It is in the interest of the Town of Greenwich, acting through the RTM and its other elected officials and town officials, to protect and preserve public health and safety and the natural resources of the Town of Greenwich, including but not limited to water and land, now and for generations of Town citizens in the future;

Natural gas and oil extraction activities involve the use of chemical and hazardous materials during a multi-phase process including drilling, hydraulic fracturing, production, well maintenance, workover operations, and storage; and

Liquid and solid wastes associated with such activities are contaminated with chemicals and naturally-occurring toxins that come from the ground, including but not limited to radioactive materials; and

Many of the chemical constituents injected and utilized during extraction activities, and the naturally-occurring toxins in the ground that mingle with the wastes associated with extraction activity, have documented adverse health effects and/or adverse environmental impacts; and

These wastes can contain radioactive elements and other toxins, and the pollution of water and soil caused by potential leaching, spills and run-off of these wastes may threaten the public health and safety, and economic well-being of communities, as businesses, consumers and residents depend on clean drinking water, surface waters, property and natural resources; and

House Bill 6329 – An Act Concerning Hydraulic Fracturing in Connecticut - as passed by the House of Representatives in the CT General Assembly bans acceptance and receivership, storage, treatment, transfer and disposal of hydraulic fracturing waste in the State of Connecticut, and directs that the DEEP may approve bringing such waste into the State of CT for the purpose of research to determine use in the State; and

House Bill 6329 defines hydraulic fracturing waste as any substance used for or derived secondarily to the “process of pumping fluid into or under the surface of the ground in order to create fractures in rock”; and

Numerous processes during extraction activities produce liquid and solid wastes, and House Bill 6329 bans a portion of the total wastes produced from gas wells, specifically the materials used or generated secondarily to one process, the hydraulic fracturing process; and

House Bill 6329 does not ban other wastes generated secondarily to the drilling, production, treatment or certain large-scale storage processes, and does not ban wastes from oil extraction activities; and

Toxins present in extraction wastes can contaminate waters, soils and natural resources of Greenwich and impact public health and safety where use, leaching, spills, leaks, run-off occurs; and

Seventeen towns in the State of Connecticut --- including Andover, Ashford, Branford, Chaplin, Coventry, Hampton, Hebron, Lebanon, Litchfield, Mansfield, Middletown, New London, Portland, Washington, Windham (includes Willimantic), Windsor, and Woodstock have already passed municipal ordinances prohibiting all wastes and by-products from natural gas and oil

extraction activities for the purpose of protecting public health, safety, property and natural resources; and

There is no requirement to publicly disclose chemical formulas of hydraulic fracturing fluids or other chemicals used during extraction activities, or disclose the naturally-occurring toxins that have mingled with wastes, so that this information is publicly available for health and safety purposes, and remediation purposes; and

The Town of Greenwich is and should be a leader in protecting public health and safety, and our natural resources, including water supplies and water resources for generations to come; and

Protection of public health and safety, ground and surface waters, property and natural resources in the Town of Greenwich is better accomplished by prevention of contamination and environmental degradation, rather than attempting to clean up contamination and restoring degraded environments after the fact; and

In order to protect public health and safety, and the quality of natural resources and property within the Town of Greenwich, it is necessary to adopt an ordinance prohibiting storage, handling, treatment, disposal and use of waste associated with natural gas and oil extraction, as defined in the ordinance, the text of which is set forth below.

Now, Therefore, the RTM hereby adopts An Ordinance Prohibiting Waste Associated with Natural Gas and Oil Extraction within the Town of Greenwich, as set forth below:

## **TOWN of Greenwich, CONNECTICUT**

### **CODE OF ORDINANCES**

#### **Ordinance Prohibiting Waste Associated with Natural Gas and Oil Extraction**

##### **xxx-01 Definitions for the Purposes of this Ordinance:**

1. For the purposes of this Ordinance, the following terms, phrases, and words shall have the meanings given here, unless otherwise clearly indicated by the context:
2. *“Hydraulic fracturing”* shall mean the fracturing of underground rock formations, including shale and non-shale formations, by manmade fluid-driven techniques for the purpose of stimulating oil, natural gas, or other subsurface hydrocarbon production.
3. *“Natural gas extraction activities”* shall mean all geologic or geophysical activities related to the exploration for or extraction of natural gas, including, but not limited to, core and rotary drilling and hydraulic fracturing.
4. *“Oil extraction activities”* shall mean all geologic or geophysical activities related to the exploration for or extraction of oil, including, but not limited, to, core and rotary drilling and hydraulic fracturing.
5. *“Natural gas waste”* shall mean: a) any liquid or solid waste or its constituents that is generated as a result of natural gas extraction activities, which may consist of water, brine,

chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants; b) leachate from solid wastes associated with natural gas extraction activities; c) any waste that is generated as a result of or in association with the underground storage of natural gas; d) any waste that is generated as a result of or in association with liquefied petroleum gas well storage operations; and e) any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.

6. “*Oil waste*” shall mean: a) any liquid or solid waste or its constituents that is generated as a result of oil extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants; b) leachate from solid wastes associated with oil extraction activities; and c) any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.

7. “*Application*” shall mean the physical act of placing or spreading natural gas waste or oil waste on any road or real property located within the Town of Greenwich.

8. As used in this Ordinance and from CGS 22a-220 (g), “collector” means any person who holds himself out for hire to collect solid waste on a regular basis from residential, business, commercial or other establishments.

9. As used in this Ordinance, the term Town shall mean the Town of Greenwich.

#### **xxx-02 Prohibitions:**

1. The application of natural gas waste or oil waste, whether or not such waste has received Beneficial Use Determination or other approval for use by DEEP (Department of Energy & Environmental Protection) or any other regulatory body, on any road or real property located within the Town for any purpose is prohibited.

2. The Introduction of natural gas waste or oil waste into any wastewater treatment facility within or operated by the Town is prohibited.

3. The introduction of natural gas waste or oil waste into any solid waste management facility within or operated by the Town is prohibited.

4. The storage, disposal, sale, acquisition, transfer, handling, treatment and/or processing of waste from natural gas or oil extraction is prohibited within the Town.

5.

#### **xxx-03 Provision to be included in bids and contracts related to the construction or maintenance of publicly owned and/or maintained roads or real property within the Town:**

1. All bids and contracts related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the Town shall include a provision stating that no materials containing natural gas or oil waste shall be utilized in providing such a service.

2. All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within



the Town shall include a provision stating that no materials containing natural gas or oil waste shall be provided to the Town.

3. The following statement, which shall be a sworn statement under penalty of perjury, shall be included in all bids related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and or maintained road or real property within the Town and all bids related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the Town: “We \_\_\_\_\_ hereby submit a bid for materials, equipment and/or labor for the Town of Greenwich. The bid is for bid documents titled \_\_\_\_\_. We hereby certify under penalty of perjury that no natural gas waste or oil waste will be used by the undersigned bidder or any contractor, sub-contractor, agent or vendor agent in connection with the bid; nor will the undersigned bidder or any sub-contractor, agent or vendor agent thereof apply any natural gas waste or oil waste to any road or real property within the Town of Greenwich as a result of the submittal of this bid if selected.”

#### **xxx-04 Penalties**

This ordinance shall apply to any and all actions occurring on or after the effective date of this ordinance. In response to a violation of this ordinance, the Town is empowered to a) issue “Cease and Desist” orders demanding abatement of the violation, b) seek any appropriate legal relief, including immediate injunctive relief, as a result of any violation of this ordinance; c) file a complaint with any other proper authority; and d) require remediation of any damage done to any land, road, building, aquifer, well, watercourse, air quality or other asset, be it public or private, within the Town. The Town may recoup from the offending person(s), jointly and severally, all costs, including experts, consultants and reasonable attorney’s fees, that it incurs as a result of having to prosecute or remediate any infraction of this ordinance. Any person who violates this ordinance shall be liable for a penalty of \$250 per violation per day. The town may pursue other penalties allowable under state law.

#### **xxx-05 Severability**

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered. To further this end, the provisions of this Chapter are hereby declared to be severable.

#### **xxx-06 Transportation**

Nothing in this ordinance shall be interpreted to ban the transportation of any product or by-product described herein on any roadway or real property within the Town.

Douglas J. Wells, Chairman of Legislative & Rules Committee, made a motion to refer Item No. 12 back to Legislative & Rules and Land Use Joint Committee to report back to the September 18, 2017 meeting.

Upon a voice vote, motion carried

There being no further business, the Moderator adjourned the meeting, upon unanimous consent at 9:15 p.m.

ATTEST:  
CARMELLA C. BUDKINS  
TOWN CLERK