



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, September 17, 2018 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, led by James Heavey, Jr., a Delegate to Boys State.

The Moderator recognized Erford E. Porter, II and Livvy Floren, who introduced the delegates to the Boys and Girls State program, a week long "learn by doing program" in civics and government. The delegates were selected by a panel from the Greenwich Boy and Girls State Commission. Livvy Floren, State Representative for the 149th District and Erford E. Porter, II are long standing co-chairman of the American Legion Post 29 Youth Programs. The delegates are all from Greenwich High School unless otherwise noted – Elizabeth Cassidy, Jack Eschricht, John Fernandez, Christopher Fiore, James Heavey, Jr., Naomi Kostman, Ryan McMurchy (Brunswick), Akash Molekudy, Monique Nikolov, Grahame Ung, Catherine Yang.

The Assistant Town Clerk, Kimberley Jordan swore in a new member in District 3 – Joan F. Lowe.

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 198 present, 30 absent and 2 vacancies.

District 2 had perfect attendance.

Those absent in **District 1**- Jessica B. DelGuerico, Dean C. Goss; **District 3**- Sylvester J. Percora, Sr., Adam A. Rothman; **District 4** – Gregory D. Brown, Josianne Schaffner-Parnell, Donald R. Vitti, Lucy H. VonBrachel; **District 5**- Joseph E. Benoit, Jr., Karen S. Oztemel, Patricia H. Roberts; **District 6** – Victoria M. Young; **District 7** – Ellen M. Brennan-Galvin, Thomas J. Cahill; **District 8**- Jennifer L. Freitag, Lisa A. Seglem; **District 9** – Monserrat M. Galizi, Stefan Greenberg, Deborah R. Krautheim, Christine Quakenbush, Carol A. Zarrilli; **District 10**- Gerald L. Anderson, Robert M. Byrnes, David W. Detjen, Alberto Ferrer, Dora P. Williams; **District 11**- Margaret G. Heppelmann, Dana G. Neuman, Gregg O. Pauletti; **District 12**- Mary A. Keller.

The Moderator announced that as all members had received a copy of the minutes of the June 11, 2018 meeting, the reading of the minutes would be omitted. He asked if there were any corrections or comments. There being none, the minutes were adopted by unanimous consent.

The Moderator announced that as all members had received a copy of the minutes of the July 19, 2018 meeting, the reading of the minutes would be omitted. He asked if there were any corrections or comments. There being none, the minutes were adopted by unanimous consent.

The Moderator announced that as all members had received a copy of the minutes of the August 2, 2018 meeting, the reading of the minutes would be omitted. He asked if there were any corrections or comments. There being none, the minutes were adopted by unanimous consent.

Pursuant to the RTM rules, the Moderator designated that the following items be placed on the consent calendar – 2, 3, 4 & 12.

The items on the consent calendar are as follows:

2. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a Regular Member of the Board of Ethics (R1), for a term beginning July 1, 2018 and expiring June 30, 2021.

PAUL deBARY

3. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a Regular Member of the Board of Ethics (R2), for a term beginning July 1, 2018 and expiring June 30, 2021.

JOHN B. MARGENOT JR.

4. RESOLVED, that the Town of Greenwich accept the gift of six monoliths to be installed at Pinetum Park located at 150 Bible Street in Cos Cob, CT. The completed project is valued at \$35,000.00 which includes a reserve for maintenance. All funds have been raised privately.

12. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed an Alternate Member of the Alarm Appeals Board (A1), for a term expiring June 30, 2022.

PHILIP DODSON

The vote was now on the consent calendar.

In Favor	-	181
Against	-	0
Abstentions	-	0

Items Carried

The Moderator suggested a motion, which was moved and seconded, to suspend the rules and combine items 6, 7 & 8 for voting purposes. The Moderator called for a voice vote on the motion.

Motion Carried

The Moderator announced that Item Nos. 6, 7 & 8 on the Call were now before the meeting.

James Michel, Deputy Commissioner of Public Works, offered the following resolutions regarding Item Nos. 6, 7 & 8 which were duly moved and seconded.

6. RESOLVED, that the Municipal Master Agreement for Construction between the Town and the State of Connecticut Department of Transportation which allows the Town to accept grant funds for transportation related projects is hereby approved and the First Selectman is hereby authorized to execute such Agreement in the form attached in the explanatory comments of the Call of this meeting.

7. RESOLVED, that the Municipal Master Agreement for Design between the Town and the State of Connecticut Department of Transportation which allows the Town to accept grant funds for transportation related projects is hereby approved and the First Selectman is hereby authorized to execute such Agreement in the form attached in the explanatory comments of the Call of this meeting.

8. RESOLVED, that the Municipal Master Agreement for Right of Way between the Town and the State of Connecticut Department of Transportation which allows the Town to accept grant funds for transportation related projects is hereby approved and the First Selectman is hereby authorized to execute such Agreement in the form attached in the explanatory comments of the Call of this meeting.

The vote was now on the combined items.

In Favor	-	187
Against	-	0
Abstentions	-	0

Items Carried

The Moderator announced that Item No. 1 on the Call which was postponed from June 11, 2018 agenda was now before the meeting.

1. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a Regular Member of the Board of Human Services (R3), for a term beginning July 1, 2018 and expiring June 30, 2021.

JEFFREY MEDINA

The vote was now on Item No. 1.

In Favor	-	135
Against	-	47
Abstentions	-	9

Item Carried

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

Louisa H. Stone, Secretary of District 10, offered the following substitute resolution regarding Item No. 5, which was duly moved and seconded.

5. WHEREAS, protecting human life and property is a primary responsibility of town government; and
WHEREAS, emergency response times in northwest Greenwich far exceed 4 minutes, the nationally recommended time that increases the chance of rescuing trapped occupants and reducing property damage; and
WHEREAS, in addition to residents, the area has schools, nursing homes, businesses, churches, public and private golf courses, and more traffic on King Street and the Merritt Parkway, but still has inadequate protection against fires and other emergencies;
NOW THEREFORE, it is the Sense of the Meeting of the RTM that the First Selectman's Office and the Board of Estimate and Taxation should address the inadequate protection existing in the northwest area of Greenwich during the forthcoming budgetary process for the 2019-2020 budget, which budgetary process includes public hearings, and

- (i) determine whether and where a new firehouse in northwest Greenwich is needed,
- (ii) establish what the likely total capital costs for land acquisition and construction are if a firehouse is needed, and
- (iii) provide simultaneously with any such capital budgetary proposal an assessment of overall fire department staffing and the likely annual ongoing operating costs of any new firehouse in light of such overall staffing.

Edward D. Dadakis, Member of District 1, made a motion that the time to speak for the remainder of the meeting will be limited to three minutes per speaker per item, except that the proponent and principal opponent (the latter to be determined by the Moderator) shall be entitled to speak for ten minutes each, which was duly moved and seconded.

Dean C. Gamanos, Member of District 7, made a motion to amend the Dadakis motion to limit the proponent and the principal opponent to six minutes instead of ten minutes, which was duly moved and seconded.

Upon a voice vote, the Gamanos motion to amend carried.

The Moderator then called for the vote on the amended Dadakis motion to limit debate.

Upon a voice vote, the amended Dadakis motion to limit debate carried.

Lucia D. Jansen, Chairman of Budget Overview Committee, made a motion to amend Item No. 5.

WHEREAS, the Representative Town Meeting (RTM) recognizes that town government plays an important role in the protection of human life and property; and

WHEREAS, District 10 of the RTM has expressed concern as to the adequacy of the fire protection and emergency response times in northwest Greenwich; and

WHEREAS, the RTM has been asked by District 10 to pass a sense of the meeting requesting the development of a budget to design and construct a new fire Station in northwest Greenwich.

NOW THEREFORE, in consideration of District 10's concerns, it is the Sense of the Meeting that the First Selectman and the Fire Department prepare a report to the RTM Finance, Town Services and Budget Overview Committees to be delivered in 120 days or less that:

1. Updates the information provided to the RTM in 2016 regarding fire protection town-wide, with particular emphasis on structural fire incidences, response times and volunteer and mutual aid by each town fire station;
2. Provides, in addition to the construction of a new fire station, any potential alternative delivery methods for fire protection town-wide; and
3. Provides a cost estimate, both operating and capital, including a staffing model, land costs, design costs, construction costs, and evaluation of septic and water sources and costs to upgrade, if necessary, and cost of additional fire apparatuses for the construction of a northwest fire station or any potential alternative delivery methods for fire protection town-wide.

Louisa H. Stone, Member of District 10, made motion to move the previous question.

The Moderator refused to accept the motion. The Moderator explained that although Robert’s Rules permits the making of the motion for the previous question at this time, RTM tradition and practice was to allow those individuals who wished to address the members on important issues an opportunity to do so, within reasonable limits. The Moderator noted that there were nine individuals who had signed up to speak on Item No. 5 who had not yet been reached and the maker of the motion had already had an opportunity to give a report of at least ten minutes on the item. The Moderator noted that his intention would be to allow the remaining individuals on the list an opportunity to speak and that he would recognize Ms. Stone to offer her motion for the previous question at that time. He reminded the body that virtually any ruling of the Chair could be appealed.

J. Robert Tuthill, Member of District 4, appealed the ruling of the Chair.

The Moderator explained that the question to be put to the body on the appeal was “ Shall the ruling of the Chair be sustained?” He also explained that a majority of no votes was required to overrule the ruling. The Moderator called for a voice vote on the question: “Shall the ruling of the Chair be sustained?”

The Moderator announced that the Ayes had it. Mr. Tuthill then called for a record vote.

The vote was now on the Tuthill appeal of the ruling of the Chair and the question: “Shall the ruling of the Chair be sustained?”

In Favor	-	101
Against	-	85
Abstentions	-	1

The ruling of the Chair was sustained.

The vote was now on Budget Overview’s Motion to amend Item No. 5 to substitute a Sense of the Meeting Resolution:

In Favor	-	76
Against	-	111
Abstentions	-	3

Motion Failed

The vote was now on District 10 Substitute Resolution on Item No. 5:

In Favor	-	126
Against	-	55
Abstentions	-	3

Item Carried

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

Richard J. Margenot, on behalf of the Proponents of Item No. 9, offered the following resolution regarding Item No. 9, which was duly moved and seconded.

9. 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;

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. “*Town*” shall mean 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 from 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.

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 waste 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 waste 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

1. This Ordinance shall apply to any and all actions occurring on or after the date of enactment 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 seek to 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. The town may pursue other penalties allowable under state law.

2. Any person who violates this Ordinance shall be liable for a fine of \$250 per violation per day, except as provided in this Section 04.2. The Town shall not impose this fine on an individual resident for the unintentional acquisition, transfer, storage, handling or application of oil waste or natural gas waste on or for property owned or occupied by such resident.

xxx-05 Severability

If any clause, sentence, paragraph, subdivision, section or part of this local Ordinance 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.

xxx-07 Exclusions

Nothing in this ordinance shall be interpreted to ban financial transactions, natural gas and natural gas liquids and byproducts made from natural gas liquids, refined petroleum products, waste derived from the refinement of petroleum such as tar, emulsions derived from petroleum which is extracted or removed from oil waste, recycled metals from decommissioned drilling rigs and pipes, or used motor oil.

Francis J. Burgweger, Jr., Vice Chairman of Legislative & Rules Committee, on behalf of the committee, made a motion, to amend Item No. 9 as follows:

- In Section xxx-03, subsection 3, first line after “statement” delete “which shall be a sworn statement under penalty of perjury;”
- In Section xxx-03, subsection 3, second line insert “and contracts” after “bids”
- In Section xxx-03, subsection 3, seventh line replace “certify under penalty of perjury” with “represent, warrant and agree”
- In Section xxx-03, subsection 3, ninth and tenth lines after “vendor” delete “agent”
- In Section xxx-03, subsection 3, tenth line after “any” insert “contractor”
- In Section xxx-04, subsection 1, first line after “the’ insert “effective”
- In Section xxx-04, subsection 1, end of first line and beginning of second line delete “of enactment”
- In Section xxx-04, subsection 1, third line after violation replace “,” with “,”
- In Section xxx-04, subsection 1, second to last line capitalize “ordinance”
- In Section xxx-04, subsection 1, last line capitalize “town”
- In Section xxx-04, subsection 2, second line after “in” delete “this”
- In Section xxx-04, subsection 2, second line replace “04.2” with “04.3”
- In Section xxx-04, subsection 2, delete last sentence.
- In Section xxx-04, add subsection 3, “The penalties and liabilities under this Section xxx-04 shall not be imposed on any individual resident who unknowingly or unintentionally violates this ordinance.”
- Add “Section xxx-08 Effective Date, This Ordinance shall take effect 30 days after its enactment.”

The amendments were adopted by unanimous consent

Arline A. Lomazzo, Chairman of Public Works Committee, on behalf of the committee, made a motion, to amend Item No. 9 as follows:

- In Section xxx-01, subsection 5a) after the word “liquid” insert the words “toxic waste”
- In Section xxx-01, subsection 5a) after the word “solid” insert the word “toxic”
- In Section xxx-01, subsection 5b) insert “toxic” before “leachate”
- In Section xxx-01, subsection 5e) insert “toxic” after the first word “any”
- In Section xxx-01, subsection 6a) after the word “liquid” insert the words “toxic waste”
- In Section xxx-01, subsection 6a) after the word “solid” insert the word “toxic”
- In Section xxx-01, subsection 6b) insert “toxic” before “leachate”
- In Section xxx-01, subsection 6c) insert “toxic” after the first word “any”

Coline Jenkins, Member in District 6, moved the previous question, which motion was duly seconded.

Upon a voice vote, motion carried

The vote was now on Public Work's Motion

In Favor	-	34
Against	-	114
Abstentions	-	3

Motion Failed

Richard Margenot, Member of District 8, made a motion, to amend Item No. 9, which was duly moved and seconded as follows:

- In Section xxx-07, the last line after "pipes" insert ";;products or byproducts derived from recycled or recovered oil; recycled asphalt that does not contain oil waste or gas waste; steel, recycled steel or other metal products that are manufactured or cooled with recycled water; fruit or vegetable produce or foods derived from this produce that is irrigated with any recycled water;"

The amendments were adopted by unanimous consent

Susan M. Jaffe, Member of District 5, made a motion, to amend Item No. 9, which was duly moved and seconded as follows:

All provisions of this ordinance shall cease to be effective on the effective date of a state-wide law adopted by the State of Connecticut regarding fracking waste, unless an ordinance extending or amending and extending this ordinance is properly submitted to the Board of Selectmen, the Board of Estimate and Taxation and the Representative Town Meeting and approved prior to the effective date of such State Law.

The Moderator asked the Town Attorney if the amendment was in legal order given its provision that the Board of Selectman and the Board of Estimate and Taxation are given approval authority in amending or extending this ordinance. Based upon the opinion of the Town Attorney that the motion was not in legal order for the reason that it improperly delegates the authority to enact ordinances (held by the Representative Town Meeting on this matter) to other Town Boards, the Moderator did not accept the motion to amend.

Susan M. Jaffe, Member of District 5, made a motion, to amend Item No. 9, which was duly moved and seconded as follows:

All provisions of this ordinance shall cease to be effective on the effective date of a state-wide law adopted by the State of Connecticut regarding fracking waste,

unless an ordinance extending or amending and extending this ordinance is properly submitted to the Representative Town Meeting and approved prior to the effective date of such State Law.

The motion was withdrawn

Michael Spilo, Member of District 11, made a motion, to delete Section 3, subsection 3 from Item No. 9, which was duly moved and seconded.

Coline Jenkins, Member in District 6, moved the previous question, which motion was duly seconded.

Upon a voice vote, motion carried

The vote was now on the Spilo Motion

In Favor	-	36
Against	-	110
Abstentions	-	2

Motion Failed

Thomas Agresta, Member of District 12, made a motion to postpone Item No. 9 to the October 2018 meeting, which was duly moved and seconded.

Upon a voice vote, motion failed

Arline Lomazzo, Chairman of Public Works Committee, made a motion to substitute Item No. 9 with a SOMR (Sense of the Meeting Resolution).

It is the Sense of the Meeting that the residents of the Town of Greenwich are concerned about the environmental impact of Hydraulic Fracturing. We therefore request that State and Federal Legislatures and Regulatory Agencies ensure that we are protected from the detrimental health and environmental effects of hazardous chemicals found in wastes from Hydraulic Fracturing, including Technologically Enhanced Naturally Occurring Radioactive Materials and that State and Federal Legislatures and Regulatory Agencies ensure that no such materials pollute our air, soil or water. We urge the Legislature and DEEP to make the ban on products containing any Hydraulic Fracturing Wastes permanent.

Coline Jenkins, Member in District 6, moved the previous question, which motion was duly seconded.

Upon a voice vote, motion carried

The vote was now on Public Work's SOMR for Item No. 9

In Favor	-	40
Against	-	101
Abstentions	-	1

Motion Failed

Coline Jenkins, Member in District 6, moved the previous question, which motion was duly seconded.

Upon a voice vote, motion carried

9. as amended

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;

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. “*Town*” shall mean 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 from 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.

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 waste 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 waste or oil waste shall be provided to the Town.

3. The following statement, shall be included in 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 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 represent, warrant and agree that no natural gas waste or oil waste will be used by the undersigned bidder or any contractor, sub-contractor, agent or vendor in connection with the bid; nor will the undersigned bidder or any contractor, sub-contractor, agent or vendor 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

1. 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 seek to 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. The Town may pursue other penalties allowable under state law.
2. Any person who violates this Ordinance shall be liable for a fine of \$250 per violation per day, except as provided in Section 04.3.
3. The penalties and liabilities under this Section xxx-04 shall not be imposed on any individual resident who unknowingly or unintentionally violates this Ordinance.

xxx-05 Severability

If any clause, sentence, paragraph, subdivision, section or part of this local Ordinance 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.

xxx-07 Exclusions

Nothing in this ordinance shall be interpreted to ban financial transactions, natural gas and natural gas liquids and byproducts made from natural gas liquids, refined petroleum products, waste derived from the refinement of petroleum such as tar, emulsions derived from petroleum which is extracted or removed from oil waste, recycled metals from decommissioned drilling rigs and pipes; products or byproducts derived from recycled or recovered oil; recycled asphalt that does not contain oil waste or gas waste; steel, recycled steel or other metal products that are

manufactured or cooled with recycled water; fruit or vegetable produce or foods derived from this produce that is irrigated with any recycled water; or used motor oil.

xxx-08 Effective Date

This Ordinance shall take effect 30 days after its enactment.

The vote was now on Item No. 9 as amended

In Favor	-	105
Against	-	31
Abstentions	-	2

The Moderator announced that Items No. 10 & 11 on the Call were now before the meeting.

Peter J. Tesei, First Selectman, offered the following resolutions, which were duly moved and seconded regarding Items No. 10 & 11.

10. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a Regular Member of the Commission on Aging (R1), for a term expiring June 30, 2021.

PATRICIA BURNS

11. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a Regular Member of the Alarm Appeals Board (R1), for a term expiring June 30, 2022.

FREDERIC BROOKS

John Eddy, Chairman of Appointments Committee, made a motion to postpone Items No. 10 & 11 to the October 22, 2018 meeting.

Upon a voice vote, motion carried

There being no further business, the Moderator adjourned the meeting, at 12:56 a.m.

ATTEST:
CARMELLA C. BUDKINS
TOWN CLERK