

**BOARD OF SELECTMEN
PUBLIC HEARING &
SPECIAL MEETING
DRAFT MINUTES
March 13, 2018
7:30 P.M.
Guilford Community Center**

Present: Board of Selectmen: Matthew Hoey, Lou Federici, Charles Havrda, Susan Renner
Town Officials: Town Counsel Peter Barrett
Media: Michael Graziano

Approximately 30 people were in the audience

Mr. Hoey called the meeting to order at 7:30 p.m.

1. Public Hearing to receive public comment on enactment of a Hydraulic Fracturing and Extraction Waste Prohibitions Ordinance.

Terri Cain of 161 Three Corners Road expressed her thanks for the support of a ban on fracking. She cited a New York Times article regarding longevity and the impact of pollution on lifespan. The decisions we make collectively have the biggest impact on our health, we must fight for other people's health. We should protect our neighbors from exposure to chemicals and radiation that cause cancer and other health issues. We have a responsibility to plan for the future, protect our local economy, and protect our natural resources. Please pass this ordinance.

Patty Chamberlain of 333 Northwood Drive said that her house is built on granite, and when they tested for radon, it had one of the highest levels in the state. They installed a mitigation system and are now fine. She does not want to see the town be exposed to the risks of fracking waste. Please pass the ban on fracking waste.

Carol Rizzolo of 24 Long Hill Farm spoke about fracking waste being used in deicers and fillers. It is an unregulated chemical soup that should not be in our community. Please appreciate our resources and pass this ban.

Paul Rogen of 181 Dunk Rick Road spoke to the Town's Plan of Conservation and Development. He cited two goals of the plan: to conserve natural resources, and to support the Hazard Mitigation Plan. He reminded the Board of these goals and asked them to show their support by passing the ban, and to continue to survey and assess our watersheds as outlined in the Plan.

Larry Rizzolo of 24 Long Hill Farm stated that we don't even know what fracking waste is. Externalizing waste is a big cost, how do we get rid of it? What is the benefit to us? The long term costs versus short term gains should be weighed and considered. The generators of the waste should figure out what to do with it.

Bill Chamberlain of 333 Northwood Drive stated that Federal and State laws are not doing enough regarding fracking. He is thankful that we are doing something on the local level.

William Joughin of 46 Graves Avenue asked about Section 237-7 of the proposed ordinance and asked why we would not prohibit the transportation of fracking products and/or by-products in Guilford. Attorney Barrett explained that banning transportation is against Federal Interstate Commerce regulations, and cannot be prohibited by law. Interstate commerce is strictly regulated and Federal regulations preempt local municipal level regulations. It is prudent to leave this provision in the ordinance, It is in keeping with ordinances that have already been passed in other towns.

In response to Mr. Joughin's question about a possible spill or contamination, Attorney Barrett explained that there is a spill citation process, there are cease and desist orders that can be implemented, in addition to State and Federal laws. Injunctions and suits for damages can also be filed.

Catherine Bradshaw of 1231 Moose Hill Road thanked the Board for their support of this ordinance. She questioned the provision of a fine not to exceed \$250.00. She felt the fine should be higher. First Selectman Hoey explained that any modifications to the ordinance would cause a considerable delay in getting the ordinance passed. Attorney Barrett explained that the ordinance treats a violation on a per day basis; therefore the fine is a \$250.00 per day fine.

Robin Hullihan of 276 Shore Drive stated that she was deeply moved by, and thankful for, this effort to prohibit fracking and its waste products. She lives on West Lake which is fed by 600 year old springs, and is one of the cleanest, safest lakes in the state. The upper Long Hill Road storm drains go into West Lake. She is a two time cancer survivor and came here from New York City to stay healthy.

There being no more comments, First Selectman Hoey closed the Public Hearing at 7:55 p.m.

Consider and take possible action on enactment of a Hydraulic Fracturing and Extraction Waste Prohibitions Ordinance as a result of public hearing.

Mr. Federici stated that it is gratifying to see so many people attending this public hearing. While there are apparent costs associated with this process, the long term benefits are well worth the short term costs. He is strongly in favor of this ordinance, and it is easy for him to vote in favor.

Ms. Renner thanked everyone for bringing this matter to her attention. It is up to us to take care of ourselves, and she is glad that we are adding our voice to the other towns that have taken this action.

Mr. Havrda stated that we have to do this at the local level, and hopefully it will spread to the State and Federal levels. Government starts at home.

Mr. Hoey stated that his support for this is unwavering; it is the right thing to do at the right time. He has no confidence in the national and state levels to move quickly. This is an example of local action at its best.

Motion: Upon a motion by Mr. Hoey, and seconded by Mr. Havrda, the Board of Selectman voted to approve the Hydraulic Fracturing and Extraction Waste Prohibitions Ordinance as presented by Town Counsel.

In Favor: Federici, Havrda, Hoey, Renner

Opposed: None

Abstained: None

Motion: *Upon a motion by Ms. Renner, and seconded by Mr. Federici, the Board of Selectman voted to adjourn at 8:00 p.m.*

In Favor: *Federici, Havrda, Hoey, Renner*

Opposed: *None*

Abstained: *None*

Respectfully Submitted,
Karen Quercia
Acting Clerk