



Pursuant to the foregoing notice the Annual Representative Town Meeting of the Town of Greenwich was held in the Moderator's Hall of Central Middle School on Monday, March 12, 2018 at 8:00 P.M. (D.S.T.)

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

The members pledged allegiance to the flag, led by Girl Scout Troop 50303 with the Girl Scout color guard.

The Town Clerk, Carmella C. Budkins swore in new members in District 6 – Robert A. Cenci and District 10- Robert C. Grayson.

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 205 present, 25 absent and 0 vacancies. District 4 had perfect attendance. Those absent in District 1- Edward D. Dadakis; District 2- Duncan G. Burke, Nancy B. Burke; District 3- Steven P. Rubin; District 5- Ella D. Cohen, Danyal Ozizmir, Peter G. VanDuyne; District 6- Robert A. Cenci, Victoria B. Quake; District 7- Ellen M. Brennan-Galvin, Mary G. "Nanette" Burrows, Jill S. Cobbs; District 8- Jennifer L. Freitag; District 9 – Paul F. Curtis, Anne N. Jones, Deborah R. Krautheim, Christine Quackenbush; District 10 – Gina Marie Furano, Joanna R. Swomley; District 11 – Victoria C. Bostock, Tracy H. Freedman, Elisabeth G. "Lisa" Stuart; District 12- Francia Alvarez, Mary A. Schulte.

The Moderator announced that as all members had received a copy of the minutes of the January 16, 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 – 4-14 & 19.

The items on the consent calendar are as follows:

4. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed Regular Member of the Claims Committee for the term expiring 12/31/2019.

PATRICIA H. ROBERTS

5. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed Regular Member of the Claims Committee for the term expiring 12/31/2019.

FRANCIS “KIP” BURGWEGER

6. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed Regular Member of the Claims Committee for the term expiring 12/31/2019.

EDWARD MANGANIELLO

7. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed Regular Member of the Claims Committee for the term expiring 12/31/2019.

RICHARD MARGENOT

8. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed Regular Member of the Claims Committee for the term expiring 12/31/2019.

EDWARD D. DADAKIS

9. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed Regular Member of the Claims Committee for the term expiring 12/31/2019.

GLEN CANNER

10. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed Regular Member of the Claims Committee for the term expiring 12/31/2019.

JANE WEISBECKER ARNONE

11. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed Regular Member of the Claims Committee for the term expiring 12/31/2019.

MARGARET FREIBERG

12. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed Regular Member of the Claims Committee for the term expiring 12/31/2019.

KATHERINE HYNES

13. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed Alternate Member of the Claims Committee for the term expiring 12/31/2019.

GREGORY ZORTHIAN

14. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed Alternate Member of the Claims Committee for the term expiring 12/31/2019.

RICHARD WELLINGTON

19. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed as an alternate member of the Planning and Zoning Commission (A1), for a term expiring March 31, 2020.

EDWIN 'Dave' HARDMAN

The vote was now on the consent calendar.

In Favor	-	200
Against	-	0
Abstentions	-	0

Items Carried

The Moderator suggested a motion, which was moved and seconded, to suspend the rules and combine items 1 & 3 as one group for voting purposes and 15-18 as a second group for voting purposes. The Moderator called for a voice vote on the motion.

Motion Carried

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

The Moderator announced that Item No. 1 on the Call was now before the meeting.

Valerie Maze Keeney, Assistant Town Attorney, offered the following substitute resolution regarding Item No. 1 which was duly moved and seconded.

1. RESOLVED, that Sections 62 and 63 of Article 5 of the Charter of the Town of Greenwich are amended as follows:

Sec. 62. Department of Human Services; Board of Human Services. Membership, Number, Appointment.

(a) The term “Human Services” within the scope of this Section and Section 63 means services provided to improve the welfare of the community through supporting vulnerable residents and low-income residents in meeting basic human needs (housing, food, clothing, personal safety and health care) and fostering self-sufficiency.

(b) There shall be a Department of Human Services under the direction and control of the Board of Human Services. The Board of Human Services shall have the power to appoint and remove the Commissioner of Human Services. The Board of Human Services may appoint an Acting Commissioner of Human Services and/or a Deputy Commissioner of Human Services.

[(a)] (c) **Composition**

The Board of Human Services shall consist of seven (7) regular members, [who shall be appointed on or before March 31 in any applicable year by the Representative Town Meeting on nomination of the Selectmen for terms of three (3) years. Three (3) members shall be appointed for terms commencing April 1, 1994, and four (4) members shall be appointed for terms commencing April 1, 1996. For the terms commencing April 1, 1994, the three (3) members shall be appointed for terms respectively expiring on March 31, 1997. For the terms commencing April 1, 1996, two (2) of the four (4) members shall be appointed for terms respectively expiring on March 31, 1998 and the other two (2) members shall be appointed for terms respectively expiring on March 31, 1999. After April 1, 1996, all subsequent appointments, except to fill vacancies for unexpired portions of terms, shall be made annually and shall be for terms of three (3) years. All such members shall hold office until their successors shall be appointed and shall have qualified.]

[(b)] (d) **Eligibility**

There are no eligibility requirements to serve on the Board of Human Services.

[(c)] (e) **Appointment Process**

1. Members shall be nominated by the Board of Selectmen and appointed by the Representative Town Meeting.

2. Vacancies in the membership of the Board shall be filled for the unexpired portion of a term in the same manner as regular and alternate appointments.

[(d)] (f) Establishment of Unique Designations

1. Each of the seven (7) appointed positions on this Board is assigned a unique designation to facilitate auditing of the appointment process over the course of time. Each designation contains a letter followed by a number. The letter identifies the category of membership; “R” indicating a regular member and, should this board ever be assigned alternate members, “A” indicating an alternate member. The number following the letter uniquely identifies each position within the respective category.
2. The initial association of position designations to names of appointed members shall be established by resolution adopted by the appointing authority, the Representative Town Meeting.

[(e)] (g) Length and types of terms

1. Terms for appointed regular members and alternates shall be for a period of three (3) years.
2. Current Term” refers to a term to which someone has been both appointed before January 1, 2018 and which appointment expires after January 1, 2018.
3. When appointing a new member to this Board, the new member will receive the position designation previously assigned the person she or he is succeeding and such designation will be indicated on all notices of nomination and appointment including, but not limited to, the Call and the minutes of the Representative Town Meeting, the agenda of the committees of the Representative Town Meeting and, where appropriate, the agenda and minutes of the Board of Selectmen.
4. Effective January 1, 2018, Current Terms shall expire on June 30 and commence on July 1 according to the designations in subsection (f).
5. Each regular member appointed heretofore and serving on January 1, 2018 shall continue to serve such term to which such member was appointed. Such term shall be extended to expire on June 30 following the date on which such member’s current appointment was scheduled to expire.
 - 1)
6. Appointed members of the Board shall hold office until their successors shall have been appointed and shall qualify.

[(f)] (h) **Designation of Board Positions**

1. The positions for the seven (7) appointed regular members shall be designated positions (R1) through (R7). The terms for these positions are defined as follows:

(R1): The Current Term for regular member (R1) shall expire June 30, 2018. Terms thereafter shall be for a period of four (4) years.

(R2): The Current Term for regular member (R2) shall expire June 30, 2018. Terms thereafter shall be for a period of four (4) years.

(R3): The Current Term for regular member (R3), shall expire June 30, 2018. Terms thereafter shall be for a period of four (4) years.

(R4): The Current Term for regular member (R4) shall expire June 30, 2019. Terms thereafter shall be for a period of four (4) years.

(R5): The Current Term for regular member (R5) shall expire June 30, 2019. Terms thereafter shall be for a period of four (4) years.

(R6): The Current Term for regular member (R6) shall expire June 30, 2020. Terms thereafter shall be for a period of four (4) years.

(R7): The Current Term for regular member (R7) shall expire June 30, 2020. Terms thereafter shall be for a period of four (4) years.

(additions underlined; deletions within [brackets])

Sec. 63. Commissioner of Human [human] Services [services]; duties; salary.

- (a) Except where otherwise mandated by state or federal law with respect to nursing homes, the Commissioner of Human Services shall, subject to the direction and control of the Board of Human Services, have full charge of the human services of the Town and shall also have such powers and duties as are now or shall hereafter be conferred and imposed by law upon the Selectmen or any other administrative agency of the Town relative to minors, mentally ill persons, [children born out of wedlock] indigent or incapable persons, and persons addicted to the use of [intoxicating liquors and drugs] alcohol and/or other substances including, without limitation, assisting with and/or making applications of the appointment of conservators for incapable persons, and applications for the commitment of mentally ill persons [for the removal of a parent as natural guardian of a minor and for the adoption of a minor].

- (b) Wherever copies of any papers relative to such matters shall by law be served on the Selectmen of the Town or one (1) of them, service shall instead be made on the Commissioner of Human Services. No bill against the Town relating to human services or **to** the support of indigent persons of the Town shall be paid by the Town until it has been approved and certified as correct by the Commissioner of Human Services.
- (c) The salary of the Commissioner of Human Services shall be fixed by the Town on the recommendation of the Board of Estimate and Taxation in the same manner as other appropriations are determined. In the absence or disability of the Commissioner of Human Services or if the office becomes vacant for any reason, the Deputy Commissioner of Human Services or Acting Commissioner of Human Services shall perform the duties and exercise the powers of the Commissioner of Human Services for a period not to exceed ninety (90) days or for such longer period as the Board of Human Services may determine. The salary of the Deputy Commissioner or Acting Commissioner of Human Services shall be fixed by the Town on the recommendation of the Board of Estimate and Taxation in the same manner as other appropriations are determined.

(additions underlined; deletions within [brackets])

The foregoing proposal for home rule action requires an affirmative vote of a majority of the entire membership of the Representative Town Meeting at a meeting warned for that purpose.

Douglas J. Wells, Chairman of Legislative & Rules Committee made a motion to amend Item No 1:

- In Section 62(b), underline the words, “an Acting Commissioner Human Service and/or”.
- In Section 62(g)2, insert an open quotation mark before the first word.
- In Section 62(g)4, change subsection “(f)” to subsection “(h)”.

The amendments were adopted by unanimous consent.

Alexis Voulgaris, Chairman of Health & Human Services Committee made a motion to amend Item No 1:

- In Section 62(h), change the word “four” to “three” and the number 4 to 3 wherever they appear.

The amendments were adopted by unanimous consent.

The Moderator announced that the first group of combined items was now before the meeting.

The Moderator announced that Item No. 3 on the Call was now before the meeting.

Michael Van Oss, Member of the Harbor Management Commission, offered the following resolution regarding Item No. 3 which was duly moved and seconded.

3. RESOLVED, that the Representative Town Meeting hereby approves a mooring permit fee of Seventy-Five (\$75.00) Dollars per mooring as proposed by the Harbor Management Commission in accordance with Section 7A-7 of the Town Code and Connecticut General Statutes § 22a-113s.

The vote was now on the combined items.

In Favor	-	198
Against	-	3
Abstentions	-	4

Items Carried

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

The Moderator announced that Item No. 15-18 on the Call was now before the meeting.

Peter J. Tesei, First Selectman, offered the following resolutions regarding Items No. 15-18 which were duly moved and seconded.

15. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed as a regular member of the Harbor Management Commission (R3), for a term beginning April 1, 2018 and expiring March 31, 2021.

DONALD CARLSON

16. RESOLVED, that the following named person, nominated by the Board of Selectmen, be reappointed as a regular member of the Harbor Management Commission (R2), for a term expiring March 31, 2021.

FRANK MAZZA

17. RESOLVED, that the following named person, nominated by the Board of Selectmen, be reappointed as a regular member of the Harbor Management Commission (R1), for a term expiring March 31, 2021.

MICHAEL VANOSS

18. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed as an alternate member of the Harbor Management Commission (A1), for a term expiring March 31, 2019.

DAVID J. NOBLE

Peter E. Berg, Chairman of Parks & Recreation, made a motion to postpone Items No. 15-18 to the April 16, 2018 meeting.

Upon a voice vote, motion carried

The Moderator suggested a motion, which was moved and seconded, to suspend the rules to combine items 20 and 21 for voting purposes. The Moderator called for a voice vote on the motion.

Motion Carried

The Moderator announced that Items No. 20 & 21 on the Call were now before the meeting.

John R. Eddy, Chairman of Appointments Committee, offered the following resolutions regarding Item No. 20 & 21.

20. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed as an alternate member of the Planning and Zoning Board of Appeals (A2), for a term expiring October 31, 2020.

JOSEPH ANGLAND

21. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed as a member of the Planning and Zoning Board of Appeals (R3), for a term expiring October 31, 2018.

JOHN VECCHIOLLA

The vote was now on the combined items.

In Favor	-	203
Against	-	0
Abstentions	-	0

Items Carried

The Moderator announced that Item No. 2 on the Call was now before the meeting.

Al Cava, Director of Labor Relations, offered the following resolution regarding Item No. 2 which was duly moved and seconded.

2. RESOLVED, that the Representative Town Meeting, in exercising its authority pursuant to Connecticut General Statutes, Section 7-474(b) hereby approves the funds necessary to implement the terms of the Town-UPSEU collective bargaining agreement covering the periods FY 17/18 and FY 18/19; said funds having previously been appropriated in the adopted FY 17/18 budget. In addition, the Representative Town Meeting approves the funds necessary to implement the terms of the Town-UPSEU collective bargaining agreement covering the period FY 18/19 subject to the budgetary process as prescribed in the Town Charter.

BE IT FURTHER RESOLVED that the Representative Town Meeting approves any terms of such agreement which may be in conflict with the Town Charter, special act, ordinance, rule or regulation adopted by the municipal employer or its agents of the Town.

The vote was now on Item No. 2.

In Favor	-	201
Against	-	0
Abstentions	-	2

Item Carried

J. Robert Tuthill, Member of District 4, made a motion to limit debate to three (3) minutes per speaker per item, which was duly moved and seconded.

Upon a voice vote, motion carried

Michael Spilo, Member of District 11, made a motion to extend time for the principal proponent and principal opponent (to be determined by the Moderator) to ten (10) minutes each, which was duly moved and seconded.

Upon a voice vote, motion failed

The Moderator announced that Item No. 22 on the Call was now before the meeting.

Jeanine Behr Getz, Member of BYOGreenwich, offered the following resolution regarding Item No. 22 which was duly moved and seconded.

22. RESOLVED, that the Representative Town Meeting of Greenwich, Connecticut, approve the Reusable Checkout Bag Ordinance as described below:

Chapter XXX
SOLID WASTE

Article XXX
Reusable Checkout Bag Ordinance

§ XXX-1. Purpose.

This Ordinance is intended to reduce single-use bag waste to protect the environment in Greenwich for the benefit and welfare of its residents by encouraging the use of reusable checkout bags, by prohibiting single-use plastic checkout bags, and introducing a \$.23 retail compensation for recycled paper checkout bags.

§ XXX-2. Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section:

2.1 *Business Establishment* means any person, business or non-profit entity that sells or provides merchandise, goods or materials, including, without limitation, clothing, food, or personal items of any kind, directly to a consumer, and includes, by way of example and not limitation, any grocery store, grocery delivery service, department store, hardware store, pharmacy, liquor store, restaurant, catering truck, convenience store, hospital, library, school, including temporary vendors at farmers markets, street fairs and school or Town sponsored events and facilities.

2.2 *Checkout Bag* means a carryout bag used by consumers at checkout for the purpose of removing products purchased from or provided by a Business Establishment. Checkout Bag does not mean Product Bag.

2.3 *Recycled Paper Checkout Bag* means a bag that contains no old growth fiber and a minimum of 40% post-consumer recycled content, is 100% recyclable, and has printed in a highly visible manner on the outside of the bag the words “Reusable” and “Recyclable”, the name and location of the manufacturer, and the percentage of post-consumer recycled content.

2.4 *Product Bag* means a single-use plastic or paper non-checkout bag to include, but not limited to, newspaper bags, door-hanger bags, laundry dry cleaning bags, bags sold in packages containing multiple bags intended for use as garbage, pet waste bags, yard waste bags, and bags that are used by consumers inside stores to: package bulk items such as fruit, vegetables, mushrooms, nuts, grains, candy; contain or wrap frozen foods, meat, or fish, whether packaged or not; contain or wrap flowers, potted plants or other items where dampness may be a problem; contain unwrapped prepared foods or bakery goods; contain pharmacy prescriptions; or safeguard public health during the transportation of hospital waste.

2.5 *Retail Compensation* means a monetary compensation from a consumer to a Business Establishment at the point of checkout for the use of a Recycled Paper Checkout Bag provided by a Business Establishment.

2.6 *Reusable Checkout Bag* means a bag with handles that is designed and manufactured for multiple reuses and meets all of the following requirements:

- (1) Can be cleaned or disinfected;
- (2) Does not contain lead, cadmium, or any other toxic material that may pose a threat to public health;
- (3) Has a minimum lifetime of 125 uses, which for purposes of this Ordinance means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet.

2.7 *Single-Use Plastic Checkout Bag* means a bag that is made of plastic derived from fossil fuels or from a genetically modified organism bio-based source, which is provided at checkout to transport items purchased from or provided by a Business Establishment.

§ XXX-3. Prohibition on the distribution of a Single-Use Plastic Checkout Bag.

No Business Establishment shall provide or sell a Single-Use Plastic Checkout Bag to a consumer in the Town of Greenwich.

No Business Establishment shall provide or sell a Single-Use Plastic Checkout Bag at any Town facility, Town-managed concession, Town-sponsored or Town-permitted event unless otherwise permitted by the Conservation Commission.

§ XXX-4. Prohibition on the distribution of a paper checkout bag.

No Business Establishment shall provide or sell a paper bag that does not meet Recycled Paper Checkout Bag as described above.

§ XXX-5. Acceptable Checkout Bags

A Business Establishment may provide consumers with a Recycled Paper Checkout Bag in accordance with the requirements for Retail Compensation under Section XXX-6.

A Business Establishment may sell consumers a Reusable Checkout Bag for no less than \$.23.

§ XXX-6. Retail Compensation

(1) Nothing in this Ordinance shall prohibit a Business Establishment from encouraging and providing incentives for the use of Reusable Checkout Bags. A Business Establishment may use credits or rebates for consumers that bring their own Checkout Bags for the purpose of carrying away goods.

(2) Nothing in this Ordinance shall prohibit consumers from using bags or containers, of

any type, at the point of checkout that they have brought to a Business Establishment for the purpose of carrying away goods.

(3) A Business Establishment must collect \$.23 Retail Compensation from the consumer for each Recycled Paper Checkout Bag as detailed below:

(a) A Business Establishment must notify the consumer of the Retail Compensation prior to checkout by means of signage or verbal warning;

(b) The consumer transaction receipt shall indicate the total number of Recycled Paper Checkout Bags provided and the total amount of the Retail Compensation;

(c) No Business Establishment collecting Retail Compensation pursuant to this Ordinance shall rebate or otherwise reimburse a consumer for any portion of this Retail Compensation.

§ XXX-7. Retail Compensation Exemptions.

The following transactions will not require the \$.23 retail compensation:

Transactions of Supplemental Nutrition Assistance Program (SNAP), Special Supplemental Nutrition Program for Women, Infants and Children (WIC) recipients and recognized 501 (c)(3) organizations serving said recipients.

Deliveries of merchandise, goods or materials, including, without limitation, clothing, food, or personal items of any kind, directly to a consumer's residence or place of business by a Business Establishment.

Transactions by a Business Establishment that provides less than 1000 Recycled Paper Checkout Bags to consumers per week.

§ XXX-8. Violations, Penalties and Enforcement.

Violation of any of the requirements of this chapter shall be subject to the penalties set forth in this Chapter.

If the Conservation Commission or its designee determines that a violation of this Ordinance has occurred, the Conservation Commission or its designee shall issue a written warning notice to the Business Establishment for the initial violation.

If the Conservation Commission or its designee determines that an additional violation of this Ordinance has occurred after a written warning notice has been issued for an initial violation, the Conservation Commission or its designee shall issue a notice of infraction and shall impose a penalty against the Business Establishment.

The penalty imposed by the Conservation Commission or its designee shall be as follows for each violation that occurs after the issuance of the written warning notice for an initial violation:

- (a) Two hundred fifty (\$250) dollars for the second violation;

- (b) Five hundred (\$500) dollars for the third violation and each subsequent violation.

A Business Establishment shall have fifteen (15) calendar days after the date that a notice of infraction is issued to pay the penalty.

The penalty shall double after fifteen (15) calendars days if the Business Establishment:

- (a) Does not pay the penalty; or
- (b) Fails to respond to a notice of infraction by either denying in writing or objecting in writing to the infraction or penalty.

A Business Establishment against whom a penalty has been entered pursuant to this Ordinance is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in the amount equal to the entry fee for a small claims case pursuant to section 52-259, at the Superior Court facility designated by the Chief Court Administrator, which shall entitle such Business Establishment to a hearing in accordance with the rules of the judges of the Superior Court.

§ XXX-9. Effective Date.

This Ordinance shall become effective six months after its approval by the RTM to allow Business Establishments time to work through their existing inventory of Single-Use Plastic Checkout Bags and convert to alternative checkout bag materials that comply with this Ordinance.

Douglas J. Wells, Chairman of Legislative & Rules Committee made a motion to amend Item No 22:

- In the first paragraph beginning with the word RESOLVED, change the word “approved” to the word “adopt”.
- In Section XXX-2_2.4, delete the word “frozen” in line 4.
- In Section XXX-7, replace the words “said recipients” with the words “the community”.
- In Section XXX-8(b), change the amount of the fine to two hundred fifty dollars (\$250).
- Accept all the redline changes in the Ordinance that was attached to the Legislative and Rules Committee report that was posted on the RTM website. The changes included, among others, reducing the fines and decreasing the paper checkout bag fee from .23 cents to .10 cents.

The vote was now on Legislative & Rules Motion.

In Favor	-	159
Against	-	34
Abstentions	-	10

Motion Carried

Susan Fahey, Member of District 11, made a motion to amend Item No. 22 to delete all mentions of twenty three cents (.23) and to delete sections XXX-6 and XXX-7.

The vote was now on Fahey's Motion.

In Favor	-	116
Against	-	84
Abstentions	-	1

Motion Carried

Dean L. Goss, Member of District 1, made a motion to amend Item No. 22 to include a sunset clause provision of three (3) years.

The vote was now on Goss' Motion.

In Favor	-	113
Against	-	86
Abstentions	-	2

Motion Carried

The Ordinance as amended by the three previous motions to amend reads as follows:

RESOLVED, that the Representative Town Meeting of Greenwich, Connecticut, adopt the Reusable Checkout Bag Ordinance as described below:

Chapter XXX
SOLID WASTE

Article XXX
Reusable Checkout Bag Ordinance

§ XXX-1. Purpose.

This Ordinance is intended to reduce bag waste to protect and preserve the environment in Greenwich for the benefit and welfare of its residents by encouraging the use of

reusable checkout bags, by prohibiting plastic checkout bags, prohibiting paper checkout bags that are not 100% recyclable.

§ XXX-2. Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them as follows:

2.1 *Business Establishment* means any person, business or non-profit entity that sells or provides merchandise, goods or materials, including, without limitation, clothing, food, or personal items of any kind, directly to a consumer, and includes, by way of example and not limitation, any grocery store, grocery delivery service, department store, hardware store, pharmacy, liquor store, restaurant, catering truck, convenience store, hospital, library, school, including temporary vendors at farmers markets, street fairs and school or Town sponsored events and facilities.

2.2 *Checkout Bag* means a carryout bag used by consumers at checkout for the purpose of removing products purchased from or provided by a Business Establishment. Checkout Bag does not mean Product Bag.

2.3 *Recycled Paper Checkout Bag* means a bag that contains no old growth fiber and a minimum of 40% post-consumer recycled content, is 100% recyclable, and has printed in a highly visible manner on the bag the words “Reusable” and “Recyclable”, the name and location of the manufacturer, and the percentage of post-consumer recycled content.

2.4 *Product Bag* means a single-use plastic or paper non-checkout bag to include, but not limited to, newspaper bags, door-hanger bags, laundry dry cleaning bags, bags sold in packages containing multiple bags intended for use as garbage, pet waste bags, yard waste bags, and bags that are used by consumers inside stores to: package bulk items such as fruit, vegetables, mushrooms, nuts, grains, candy; contain or wrap foods, meat, or fish, whether packaged or not; contain or wrap flowers, potted plants or other items where dampness may be a problem; contain unwrapped prepared foods or bakery goods; contain pharmacy prescriptions; or safeguard public health during the transportation of hospital waste.

2.5 *Reusable Checkout Bag* means a bag that is provided by a Business Establishment, that is designed and manufactured for multiple reuses and meets all of the following requirements:

- (1) Can be cleaned or disinfected;
- (2) Does not contain lead, cadmium, or any other toxic material that may pose a threat to public health;
- (3) Has a minimum lifetime of 125 uses, which for purposes of this Ordinance means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet, or if it is made from plastic, has a minimum thickness of twelve (12) mil.

2.6 *Plastic Checkout Bag* means a bag that is less than twelve (12) mil thick that is made of plastic derived from fossil fuels or from a genetically modified organism bio-based source (such as corn or other plant sources), which is provided at checkout to transport items purchased from or provided by a Business Establishment.

§ XXX-3. Prohibition on the distribution of a Plastic Checkout Bag.

No Business Establishment shall provide or sell a Plastic Checkout Bag to a consumer in the Town of Greenwich.

No Business Establishment shall provide or sell a Plastic Checkout Bag at any Town facility, Town-managed concession, Town-sponsored or Town-permitted event unless otherwise permitted by the Conservation Commission.

§ XXX-4. Prohibition on the distribution of a paper checkout bag.

No Business Establishment shall provide or sell a paper checkout bag that does not meet or exceed the specifications of a Recycled Paper Checkout Bag as defined in section 2.3 above.

§ XXX-5. Acceptable Checkout Bags

(1) A Business Establishment may provide consumers with a Recycled Paper Checkout Bag.

(2) A Business Establishment may sell consumers a Reusable Checkout Bag, but for not less than the cost of a Recycled Paper Checkout Bag.

(3) Nothing in this Ordinance shall prohibit a Business Establishment from encouraging and providing incentives for the use of Reusable Checkout Bags. A Business Establishment may use credits or rebates for consumers that bring their own Checkout Bags for the purpose of carrying away goods.

(4) Nothing in this Ordinance shall prohibit consumers from using bags or containers, of any type, at the point of checkout that they have brought to a Business Establishment for the purpose of carrying away goods.

§ XXX-6. Violations, Penalties and Enforcement.

Violation of any of the requirements of this Ordinance shall be subject to the penalties set forth in this section.

If the Conservation Commission or its designee determines that a violation of this Ordinance has occurred, the Conservation Commission or its designee shall issue a written warning notice to the Business Establishment for the initial violation.

If the Conservation Commission or its designee determines that an additional violation of this Ordinance has occurred after a written warning notice has been issued for an initial violation, the Conservation Commission or its designee shall issue a notice of infraction and shall impose a penalty against the Business Establishment.

The penalty imposed by the Conservation Commission or its designee shall be as follows for each violation that occurs after the issuance of the written warning notice for an initial violation:

- (a) One hundred fifty (\$150) dollars for the second violation;
- (b) Two hundred fifty (\$250) dollars for the third violation and each subsequent violation.

(c) If the Business Establishment who is sent notice of an infraction pursuant this section wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated by such municipality. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such Business Establishment or other Business Establishment making the payment. Any Business Establishment who does not deliver or mail written demand for a hearing within ten days of the date of the first notice provided for in subsection (c) of this section shall be deemed to have admitted liability, and the designated municipal official shall certify such Business Establishment's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in this section.

(d) Any Business Establishment who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of notice, provided the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the issuing official shall be filed and retained by the municipality, and shall be deemed to be a business record within the scope of section 52-180 and evidence of the facts contained therein. The presence of the issuing official shall be required at the hearing if such Business Establishment so requests. A Business Establishment wishing to contest his liability shall appear at the hearing and may present evidence in his behalf. A designated municipal official, other than the hearing officer, may present evidence on behalf of the municipality. If such Business Establishment fails to appear, the hearing officer may enter an assessment by default against him upon a finding of proper notice and liability. The hearing officer may accept from such Business Establishment copies of police reports, investigatory and citation reports, and other official documents by mail and may determine thereby that the appearance of such Business Establishment is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall

be given under oath or affirmation. The hearing officer shall announce his decision at the end of the hearing. If he determines that the Business Establishment is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the Business Establishment is liable for the violation, he shall forthwith enter and assess the penalties, costs or fees against such Business Establishment as provided in this section.

(e) If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the Business Establishment found liable and shall file, not less than thirty days or more than twelve months after such mailing, a certified copy of the notice of assessment with the clerk of a superior court facility designated by the Chief Court Administrator together with an entry fee of eight dollars. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same Business Establishment may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court costs of eight dollars, against such Business Establishment in favor of the municipality. Notwithstanding any provision of the general statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such Business Establishment.

A Business Establishment against whom a penalty has been entered pursuant to this Ordinance is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in the amount equal to the entry fee for a small claims case pursuant to Connecticut General Statutes section 52-259, at the Superior Court facility designated by the Chief Court Administrator, which shall entitle such Business Establishment to a hearing in accordance with the rules of the judges of the Superior Court.

§ XXX-7. Effective Date.

This Ordinance shall become effective six months after its approval by the RTM to allow Business Establishments time to work through their existing inventory of Plastic Checkout Bags and convert to alternative checkout bag materials that comply with this Ordinance.

§ XXX-8. Expiration.

This Ordinance shall cease to be effective on September 12, 2021, unless sooner extended by action of the Representative Town Meeting.

The vote was now on Item No. 22 as amended.

In Favor	-	141
Against	-	54
Abstentions	-	2

Item Carried

The Moderator announced that Item No. 23 on the Call was now before the meeting.

Richard J. Margenot, Member of District 8, offered the following resolution regarding Item No. 23 which was duly moved and seconded.

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.

Douglas J. Wells, Chairman of Legislative & Rules Committee, made a motion to refer Item No. 23 back to the fracking sub-committee and return back to the June 2018 RTM meeting.

J. Robert Tuthill, Member of District 4, moved the previous question.

Upon a voice vote, motion carried

The vote was now on Legislative & Rules Motion to Refer Item No 23.

In Favor	-	117
Against	-	42
Abstentions	-	0

Motion Carried

There being no further business, the Moderator adjourned the meeting, upon unanimous consent at 12:05a.m.

ATTEST:
CARMELLA C. BUDKINS
TOWN CLERK