

**APPROVED
REGULAR MEETING
February 20, 2018**

The Wethersfield Town Council held a meeting on February 20, 2018 at 7:00 p.m. in the Council Chambers of the Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut.

Present: Councilors Breton, Forrest, Hurley, Lesser, Rell, Spinella, Deputy Mayor Martino and Mayor Morrin Bello. **Absent:** Councilor Latina

Also present: Fauna Eller, Assessor; John Bradley, Jr., Esq., Town Attorney; Jeff Bridges, Town Manager and Dolores G. Sassano, Town Clerk.

All stood for the pledge of allegiance to the flag which was led by Councilor Rell.

Mayor Morrin Bello asked for a moment of silence for the 17 victims in Parkland, Florida.

PUBLIC COMMENTS on ORDINANCE PROVIDING A TAX EXEMPTION FOR GOLD STAR FAMILIES.

No one from the public spoke, Mayor Morrin Bello declared the hearing closed.

PUBLIC COMMENTS on ORDINANCE PROHIBITING NATURAL GAS WASTE AND OIL WASTE FROM NATURAL GAS EXTRACTION ACTIVITIES OR OIL EXTRACTION ACTIVITIES WITHIN THE TOWN.

Kelly Delacruz, 179 Middletown Avenue, thanked the Public Works and Infrastructure Committee for voting forward the ordinance banning oil and gas drilling and extraction wastes and bringing it to public comment today. She thanked the Town Council for considering this important ordinance and in doing so offering protection for the residents from the risk of these radioactive wastes. She is one of the administrators for a local grassroots organization called the Wethersfield Women for Progress. She is extremely passionate about the environment and has been for 27 years. Within the last year she has helped organize a cleanup of the Cove and assisted the Great Meadows Conservation Trust in some work at the wood parcel on Middletown Avenue. She was extremely grateful to be able here to express her support for an ordinance that would offer protection for our land and waterways which our residents and wildlife rely on. 36 towns in Connecticut have passed ordinances concerning fracking waste, all but the very first town have passed ordinances that contain language suggested by Riverkeeper, a clean water environmental advocacy group that includes scientists, lawyers and other activists. This is language that she personally suggested back in November when the ordinance was initially introduced and language that the council members of the Public Works and Infrastructure discussed during subsequent meetings. That language was also explained by Jennifer Siskins of Food and Water Watch at the fracking waste information session that she organized on January 29th at the Library. She is very grateful that some of the council members were present at that event as well as many others from the town who were interested in learning more. She read this ordinance and while this ordinance bans harmful chemicals produced from oil and gas drilling extract and extraction, she is concerned that some language within the ordinance would leave us open to some loopholes and could potentially expose us to the toxicity and radioactivity of these horrible chemicals. Regarding the section of the ordinance that allows for research to be conducted on oil and gas drilling and extraction wastes here in Wethersfield, there is no need for such business in our town. We must champion our environment and not allow businesses that could potentially expose us to harmful effects of this chemical cocktail. Accidents do happen and if research facilities were brought into Wethersfield and allowed to use this chemical it would only be a matter of time before a spill occurs and poisons our waterways. In doing so it would poison our residents and wildlife as well. We also do not want companies to come to Wethersfield under the guise of a research facility that is in reality storing such substances. Is supporting such a business really worth the money that it would take to clean

up after an accident or the healthcare cost incurred as a result. Instead we need to promote sustainable and environmentally supportive business practices. We should welcome research on solar geothermal energy not on a practice that destroys our planet. Our ordinance also includes a sunset provision and there is no reason for a sunset in our ordinance. It doesn't cost anything to keep the ordinance even if a state ban were to be passed. Should the sunset provision remain, she would urge you to consider amending the clause to include the words "state law has banned the same or better definitions prohibitions and provisions as Wethersfield." The current wording does not offer the strongest possible protection for our town and leaves potential loopholes so that if the state were to enact laws that are weaker than our ordinance, our ordinance would still sunset. We don't want to be left with something that is mediocre or worse than what we already have to protect our town. We want the same or better. We want the best protections for our family, friends and fellow residents. She ended with a proverb from the Native American cremation, "only when the last tree has died and the last river has been poisoned and the last fish has been caught will we realize that we cannot eat money."

Debra Cohen, 73 Church Street, stated she is proud of Wethersfield's ordinance because it covers more wastes in the current state moratorium and it is far superior to state efforts to create a ban. She recommends that the sunset clause either be eliminated or reworded. If the state were to create a ban with lesser protections than Wethersfield's ban, we would either have to go back to the drawing board requiring more time and town resources or accept far fewer protections than what is now proposed. If the sunset clause must remain, please make sure that it clearly states that parts of this ordinance will only expire if what is listed in the definitions and prohibitions section are permanently banned by state statute as well. Failure to do so leaves us open to a future ban that does not protect us as fully as possible. She also recommends that the research clause be removed. There is no guarantee that a state bill will insist on the following conditions: identifying the chemicals and toxins and waste that is accepted for research; making sure that this information is available to the public or ensuring that DEEP rules will protect the public and environment from radioactivity in addition to other hazards. Her concern about lesser protections in any final state ban stem in part from testimony at the State Capitol a number of years ago that stress the possibilities of growing businesses and treatment facilities here in Connecticut. Fracking waste should never be considered as a source of income when the cost of dealing with them include the likely downward spiral of property values, more brown fields and the introduction of toxins that can severely impact public health.

Joe Hickey, 28 Meadow View Drive, who is one of the first founders of the Great Meadows Conservation Trust, stated that the geology of Connecticut will not permit the development of a natural gas related industry because the rocks we have don't have any natural gas; however, at the same time neither the state nor any part thereof should allow the state or any part thereof to become a dumping ground for problems generated elsewhere by those areas that benefit financially and employment wise from such activities. The state over the last 50 or 60 years has invested a great deal of money to improve the quality of our air and particularly our water. We do not need to take any backwards step which might impact the current quality of our environment. We are one of the leaders probably in the country for turning around what in times had been a mess which thank god it no longer is. If necessary, it is up to people like you to put the heat on the decision makers in Hartford to make sure that the right decisions are made and if you have to do it, do it.

Rich Doran, 223 Main Street, #C6, the nominated spokesperson of the Wethersfield Conservation Commission, a commission on which he has proudly served with four other members. Our Commission of five is also comprised with a couple who have professional expertise. One is a licensed engineering professional and another is a chemist and a chemistry professor at Trinity College in Hartford. They have reviewed the ordinance and the concerns expressed by the public and they have concluded that the ordinance would be something that they would endorse and support. Their responsibility and authority comes from the Wethersfield Code and the Conservation Commission serves as an adjunct to the seated Town Council and it is their privilege to provide some advice and counsel about matters of land use and natural resources within Wethersfield. He would like to endorse the fact that they all unanimously supported an effort to endorse the proposed ordinance in its strongest language and as respect to the

sunset provision, they would want equal to or greater than whatever the state's regulations ultimately come up. Also at a time when research is done he thinks that historically the industry has not done a very good job in identifying and controlling the by-product waste of this process. Going back to 2011 there has been testimony before the U.S. House of Representatives about the various chemicals and contaminants that are present in this by-product waste. Staff report noted that there were not enough facilities to properly treat this waste before it was introduced into the environment. That situation has not improved. There was a U.S. Senate report on the committee on the environment in April of 2011 where they noted that they did a water discharge test and the testimony came from the University of Pittsburgh Graduate School of Public Health where students and their professors tested the water AFTER treatment and found levels parts-per-billion of contaminants and chemicals and toxins that were in hundreds of times greater than those approved by the Federal Clean Water Act and the EPA. Additionally they found one particular element that is known to be a source of cancer and leukemia and that is bromide and the concentrations there were in the hundreds of times greater than those permitted. So the evidence displays that the industry has not done an effective job yet and he doesn't think it is time for Wethersfield to open up a research triangle where we think that we can treat this by-product very effectively. He echoed the concerns of those who have preceded him and reiterated that it is the unanimous advice of the Wethersfield Conservation Commission to this Town Council that the ordinance be passed in its strongest form. He thanked the Council for their service to the town, their concern and asked them to think about what's best for the citizens of Wethersfield as respect to their public health and the health of our environment.

Diana Evans, 22 Beverly Road, wanted to make sure that they had a voice on behalf of the current board and officers of Great Meadow Conservation Trust. She thanked the Council for bringing forward this ordinance. They take the position that Section 107-4 should be removed from the ordinance. That would be their first choice which is the sunset provision and the research clause. The research clause in particular because they do consider it a major loophole that state law would not in its current form protect us so they very strongly hope that you will remove that section. With respect to the sunset provision, they see little to no harm to it if it is indeed the Council's intention to protect us from fracking waste; however, if the Council feels that some sort of sunset provision is needed that that provision ensure that our language does not expire unless state regulations is as strong or stronger than the language in Wethersfield's fracking ban.

Jim Woodworth, 33 Mill Street, #5H, commented that he has been thinking globally and acting locally for decades now but acting locally is usually picking up trash or planting a few native species here and there but Council has the opportunity to do something to stem the tide of waste pollution coming this way. He had the privilege of going to the Marriott last week to a hearing on ocean drilling and there was a whole room filled with folks who were members of the BOEM (Bureau of Ocean Energy Management) to talk about drilling and the BSEE (Bureau of Safety Environmental Enforcement) split off separate from the other one after Deepwater Horizon because to keep the fox and the hens from being in the same coop so to speak as it were. Another little fact he heard last week was that there was 75 billion gallons of fracking waste dumped in the Gulf of Mexico in 2014 under the Obama administration. Can you imagine what could happen what trickle down pollution could turn into a gusher in the next few years and it is so important to pass the strongest protections for Wethersfield that will inspire the state to do the same?

Robert Young, 20 Coppermill Road, commented that this fracking issue has taken a lot of time here in the town and questions why we are going through all of this when we have really more serious problems in the Town of Wethersfield and we already have other laws out there to protect our well beings. The real way to stand up to fracking is to turn off your natural gas and send them a message by hitting them in the pocketbook.

Kristin Labar Slocki, 33 Crest Street, commented that she heard of hydro fracking about five years ago when she hosted a meeting at a local movie theater about environmental toxins. She is an advocate that educates families and communities on a daily basis about toxicity in our environment and she tries to help find ways to lower their toxic exposure. One of the main tools that she speaks about all of the time is

using your voice and the importance of that because our voices need to demand change. Many of us stand before you tonight because we oppose any importation of fracking waste into Wethersfield, or for that matter, anywhere in Connecticut. The waste from gas and oil drilling and production causes numerous highly toxic chemicals that have no place in our environment. Many are linked to cancer, neurodevelopmental disorders and hormone disruption. Many are persistent and they last for a really long time in our environment. They leach into our water and risk serious contamination in our environment. There is no safe use for fracking waste and even transportation of waste into Connecticut as it poses risk of contamination. As a parent she asks the Council, not only as our elected officials and town representatives but also as husbands, wives, fathers, mothers, brothers or sisters what do you tell your own children when you are in support of something like this. You have the power as the elected official to either update ordinances that are very important before it main votes take place. She tries to teach people to think twice about what's around them and what they can do for themselves and speaking in a situation like this is what we need to do. She feels there are so many things in life that we cannot control, so when you have the power to do so you need to really sit back and think about what that means, not just to you but what it means to your own families and to the town.

Tim Curran, 48 Clearfield Road, is a professor of chemistry at Trinity College and one of the courses that he teaches is environmental chemistry and he is in support of the ordinance. His perspective to give is remediation and remediation of toxic spills of pollution of water is a very expensive road to go down. He tries to impart to his students and to the audience tonight is prevention is a much more fiscally sound way to proceed rather than taking the risky road and having to risk that our waterways would be polluted and require a very expensive cleanup so he urged to support the ordinance .

Tom Mazzarella, 600 Wolcott Hill Road, doesn't believe that Wethersfield needs an ordinance to control fracking waste or by-products. He thinks that is the responsibility of our state and he believes they have the staff and the experts to make an educated decision. He is not saying anything against anybody up on the dais but from what he gathers, they have based most of their information on the attachment to the agenda tonight, pages 53 to 70 which he believes is a highly biased attachment that is presented by an environmental group that has every reason to want to ban fracking waste. He thinks if you were to go out and do some research you could find 23 pages of information from the petroleum industry that would support all the good things you can do with fracking waste. He is not saying that is the case but you are basing your decision on information that may or may not be accurate and he doesn't know if it is or if it isn't. At the end of the day you, as Councilors, should be able to look in the mirror and say that you voted the way the people that elected you wanted you to vote and that not just the people that voted for you but the 70% that Councilor Spinella spoke about that didn't vote for you, that didn't even show up and that are not represented here tonight. Do we really need a fracking waste ordinance, another ordinance that is going to be difficult if not impossible to enforce and do we need to take on responsibilities that our state is better suited to handle.

Paul Milne, 52 Livingston Street, in general is in favor of the ordinance because if we don't give them a place to put it, he is not in favor of fracking at all and thinks it is a bad idea. We are squeezing the life out of the earth and we are making our natural gas and our oil. It is a lot cheaper because of what we are doing and we are seeing a huge benefit from it but the ordinance is more of a speak out thing. If the entire Connecticut says this is a bad idea and we are not in favor of it and they don't have a place to put it anymore, maybe they are going to turn to other ways to generate economical energy. We may have to pay a little bit more for it but the waste is pretty bad stuff. He brought some real facts with him; the first one is EPA.gov and the title is T-norm, oil and gas production wastes which is very easy to read. This new method of fracking has changed in terms of radioactivity and the volumes produced. Geologic formations that contain oil and gas also contain naturally occurring radio nuclides. Those are called norm, kind of a strange acronym norm sounds like normal. That's stuff that is around us all the time. He read off the EPA document - When you frack, because the extraction process concentrates the naturally occurring radio nuclides and exposes them to the surface environment and human contact, these wastes are classified as technologically enhanced naturally occurring radioactive material or T-norm. That scares him a little bit because we are making it worse and making it available for contact. Waste types and

amounts – the volume of waste from unconventional drilling, which is fracking, can be much higher since the length of the wells for the host formation can be over a mile long. Those are those geological rock strata that someone was talking about earlier. We don't have these in Connecticut. They have a lot of them in Pennsylvania and somebody was proactive to notice that this was happening and that somebody might want to find a home for it someday and there are probably economic interest in Connecticut that would benefit from waste processing and would get paid to take it, another economic factor. Three types of fracking waste produced water according to the American Petroleum Institute (API) more than eighteen billion barrels of waste fluids from oil and gas production are generated annually in the United States. That is one part of the process. There is a scale produced by this process that is just build up on pipes, well not just, it actually gets build up and get concentrated but the third one is sludge, oil production processes used in conventional drilling generate an estimated two hundred and thirty thousand metric tons or five million cubic feet of T-norm which is that technologically enhanced natural material per year. The other document is called a scientific investigation report 2011 U.S. Department of the Interior U.S. Geological Survey is radium content of oil and gas field produced waters in the northern Appalachian Basin USA summary and discussion of data. It has all the studies, all the numbers, the USGS, Pennsylvania. Radium is water soluble, behaves like calcium, gets into your body and emits alpha particles. One of his mentors told him that alpha particles are like bulldozers in the middle of your DNA.

Megan Faver Hartline, 149 Wolcott Hill Road, is in favor of the fracking waste ordinance and was grateful for all the people who have come out tonight and thanked Kelly Delacruz for all her efforts of what it means to bring fracking here and the ordinance. As a researcher and a scholar she is concerned about research ethics and Section 104-7 and the second clause about research which has been added to our proposed legislation making it different from the legislation that 36 other towns have passed. We are the only ones to her knowledge who have included this kind of research allowed. If the goal of this ordinance is to make sure that we don't bring this waste into our town then why would we allow it to come in for research purposes. It provides the same danger of transporting, of storing and working with this waste that we are trying to avoid in the ban. For every research project you have to weigh the potential risk of harm to people and whether the supposed benefits are greater than the potential for harm. We already know that this substance is harmful. She cannot imagine that there are any potential benefits that would be greater that research on this substance might bring because it is unsafe.

Kaci White, 91 Center Street, supports the ordinance with the research clause to be removed because she doesn't think it's beneficial to the town and she doesn't trust people who would be operating the research and the oversight of it because they could do all sorts of things once they say that they are bringing it in under the guise of research. This ordinance can stand on its own and if we are going to have a sunset clause it can be worded more strongly so that it doesn't sunset in the event that the state passes any regulations regarding this they need to be equal to our regulations or stronger. Regardless of what the state does, this is a town government independent of the state and we have the power to create our own ordinances and we have the power to send a message to the state.

Farrah Evenson, 570 Wolcott Hill Road, thinks we should be banning fracking waste because the word radioactive alone should scare everybody and if we look at other states that have gone through disasters where cancer was on the rise and they couldn't figure out what was going on and then eventually find out that it was all from landfills and so this is something that we can prevent in our town and we have the opportunity to do so right now and we should fully take on that responsibility.

Mayor Morrin Bello declared the hearing closed.

E-mails received supporting the **ORDINANCE PROHIBITING NATURAL GAS WASTE AND OIL WASTE FROM NATURAL GAS EXTRACTION ACTIVITIES OR OIL EXTRACTION ACTIVITIES WITHIN THE TOWN:**

Wethersfield Conservation Commission, Rick Doran; Great Meadows Conservation Trust, Diana Evans, Rick Doran, Linda Nielson, Pamela St. Jean and James Woodworth; Central Connecticut Health District,

Charles K Brown Jr., MPH Director of Health and Secretary-Treasurer, Board of Health; Beth Reilly, 12 Hubbard St; Kristalyn Salters-Pedneault, 15 Fairmont St; Diana Evans, 22 Beverly Rd; and Melissa Wagner-Pavick, 85 Wells Farm Rd.

HEARING

ORDINANCE PROVIDING A TAX EXEMPTION FOR GOLD STAR FAMILIES

ORDINANCE PROHIBITING NATURAL GAS WASTE AND OIL WASTE FROM NATURAL GAS EXTRACTION ACTIVITIES OR OIL EXTRACTION ACTIVITIES WITHIN THE TOWN

GENERAL COMMENTS

Polly Moon, 23 Orchard Brook Drive, as a member of the Board of Education, she updated the Town Council and residents as to what the Town of Wethersfield does to secure our schools. Since Sandy Hook, they had secured doors and reinforced walls; they run more drills with the teachers and students. The Police and Fire departments train in the buildings as well.

Robert Young, 20 Coppermill Road, continued his discussion about the Standish House and the 50 year lease between the Town of Wethersfield and the Historic Society and how we are losing tax money which we badly need.

Gus Colantonio, 16 Morrison Avenue, agreed with Mr. Young and if the town wants to support the Historical Society he doesn't have a problem with that but when you have to hide things he doesn't like that all.

COUNCIL REPORTS

Deputy Mayor Martino reported that the Capital Improvement Committee met and they finalized the CIP budget for the upcoming fiscal year. They were given directions to come in with a \$900,000 budget and show cuts if they had to make them at certain levels so they prioritized all the projects. They did a good job in their evaluation and now it will go to Planning & Zoning for and 824 referral and then to Council during the normal budget process for consideration.

Councilor Forrest reported that the Insurance Committee met and health insurance and property casualty insurance combined make up a significant part of the budget somewhere between ten and twelve million dollars and they discussed various ways that they might be able to reduce some of our insurance costs. They came up with several ideas which include collaboration with other towns.

Councilor Lesser reported that he attended the Wethersfield Early Childhood collaborative and they went through all their programs that they are planning for the year. He wanted to point out that this past year at the beginning of the school year they had 215 students enter kindergarten and 43 of them did not have any preschool which is 20%. If a child gets an opportunity to go to preschool they are ahead socially, developmentally, educationally than those that didn't. With the Mayor's ball they are raising money for early childhood scholarships but it is important that as many kids in Wethersfield go to preschool as possible.

COUNCIL COMMENTS

Mayor Morrin Bello announced events that are going to happen in the next few weeks: Tip-a-Cop fundraiser to benefit Special Olympics will be held at Chip's Restaurant on Friday, February 23rd from 8 a.m. to 3 p.m.; she will be holding another Coffee with the Mayor and the Board of Education Chair, Bobbie Granato, on Saturday, the 24th at the Cove Deli from 9:30 a.m.

TOWN MANAGER'S REPORT

Town Manager Bridges stated that he had \$200,000 less than he had last week to pave streets. The Governor has decided to hold hostage our town aid road money waiting for the legislature to provide him with a multi-billion dollar year transportation plan. We have money for the summer program because we raised it last year so they are not going to do as many streets as they anticipated for the spring of next year.

TOWN CLERK COMMUNICATION - NoneCOUNCIL ACTIONORDINANCES, RESOLUTIONS, APPOINTMENTS FOR ACTION

Deputy Mayor Martino motioned **“TO APPROVE THE ORDINANCE PROVIDING A TAX EXEMPTION FOR GOLD STAR FAMILIES”** seconded by Councilor Spinella.

Town Manager Bridges stated that this allowance to provide towns the opportunity to give a tax abatement for gold star families which was passed by the legislature last session. For those families that have suffered a combat casualty it allows the town to provide some tax relief. We have one family eligible in town today and hopefully we won't have any more.

Vote: All Councilors present, including the Chairperson voted AYE. The motion passed 8-0-0.

Councilor Lesser motioned **“TO APPROVE AN ORDINANCE PROHIBITING NATURAL GAS WASTE AND OIL WASTE FROM NATURAL GAS EXTRACTION ACTIVITIES OR OIL EXTRACTION ACTIVITIES WITHIN THE TOWN”** seconded by Councilor Breton.

Town Manager Bridges stated that this ordinance was originally introduced at the council meeting two months ago and was referred to the Public Works Committee to work the ordinance, review it and then refer it back to the council in a form and fashion that the Committee felt acceptable. It prohibits the use of any material that is a product of fracking to be used or purchased by the town and used on town property such as a brine material which we don't use anyway or anything within our paving program and so forth. The effectuating capability of that is a statement that would be put into contracts, bids or purchase orders if we buy collaboratively through a process either by the state, CRCOG or somewhere else where the vendor would certify that the product is free of any by-products of the fracking industry. It further provides for a sunset clause and an exclusion for research in the use of these products.

Councilor Breton motioned to **“TO ELIMINATE THE CURRENT SECTION 104-7 EXPIRATION AND EXCEPTION FOR RESEARCH ACTIVITIES AND REPLACE IT WITH NEW SECTION 104 EXPIRATION WHICH STATES:**

This ordinance will expire on the date that Regulations adopted by the Connecticut Department of Energy and Environmental Protection take effect if the Connecticut Department of Energy and Environmental Protection Regulations (1) prohibit all activities enumerated in Section 3 of this ordinance, or (2) regulate the activities enumerated in Section 3 of this ordinance providing that (a) such wastes shall be subject to the state's hazardous waste management regulations, as set forth in Sections 22a-449(c)-100 to 22a-449(c)-119, inclusive, and Section 22a-449(c)-11 of the regulations of Connecticut state agencies, (b) ensure that any radioactive materials that may be present in wastes from hydraulic fracturing do not create or will not reasonably be expected to create a source of pollution to the air, land or waters of the state and do not otherwise pose a threat to the human health or the environment of this state, and (c) require disclosure of the composition of the waste from hydraulic fracturing. In the event such regulations do not prohibit or regulate all of the

activities enumerated in Section 3, the prohibitions enumerated in Section 3 of this ordinance shall not expire but shall remain in full force and effect”, seconded by Councilor Lesser.

Councilor Breton explained that with regard to the sunset clause, they have amended this to provide more specificity. The original drafted language was vague, lacked clarity and they thought it was open to many interpretations so they have included the conditions upon which the sunset clause would be invoked and that would be that they either ban the same materials that is enumerated in the ordinance or if there are regulations that the regulations would apply hazardous waste guidelines in addition to ensuring the radioactivity levels are not harmful to public health and safety. With regard to the research clause they removed that entirely because there were two large concerns with that. It would be bringing into town the very materials that we prohibit from our town that has never really to their knowledge been in our town before because we don't know how to properly safely handle it as that is the whole purpose for the ban and essentially is putting the cart before the horse. Before we know how to reuse it, we need to know how to handle it before we bring it in. Also we would be the only town of all the towns who have passed it so we've gone from a town that bans it to a town that is allowing it for a purpose, for reuse but we don't even know how to safely handle it.

Deputy Mayor Martino stated there were two principles he used when he decided to run for office and they were to eliminate duplication and improve efficiencies in government. He is in favor of the ban on fracking waste and by-products of fracking that are unsafe but the ban and regulation on this belongs at the state and federal level not at the local level. Based on a 2014 state law there is a ban on fracking that stays in effect until DEEP develops a regulation for fracking. DEEP has the staff with the knowledge, degrees and environmental studies on hazardous waste. He has listened to all the people who have come to this podium to speak in favor or against this ordinance. He also attended the seminar at the Library and has been contacted by members of the silent majority in town who do not want to speak in public made their feelings known through telephone calls and personal contact. The majority of the silent majority that contacted him are in favor of the state regulating fracking not local government. To him this ordinance carries no weight because the state laws would supersede it and also with current budget constraints the town will not hire staff or consultants to review products with fracking waste. For those who feel the state has not gone far enough and that DEEP will not do what is right, he suggests you contact our state legislators and ask them to ensure the proper regulations are put in place. For these reasons he will be voting against this ordinance and amendment.

Councilor Hurley asked if a truck with fracking waste drives down I-91 or down the Silas Deane Highway could the state or the town stop that.

Mayor Morrin Bello replied no, that is inter-commerce laws and we do not have the ability to regulate that and Councilor Breton responded that the ordinance doesn't prohibit transport. It is the transfer from one container to another.

Councilor Rell remarked that having been part of the Infrastructure Committee for the last two months to see this ordinance come through fruition that it started off with just an idea, they tailored the language as they saw fit and they didn't take a vote on the first meeting because they just wanted to get out their ideas. Looking at some of the proposed legislation that has come out of the legislature over the last couple of years, they agreed on the committee to look at the sunset provision and make sure that it was included in there. The reason why he proposed the section on research is to welcome companies to come into Wethersfield to study the issue as well as study the materials and by no means did he offer it to be a loophole so that people can store fracked waste at their facility. He did it simply so that we could get good paying, high paying jobs in town something that is sorely needed which Mr. Young has said repeatedly that we do need tax revenues in town and having a research facility here in town would be ideal. It is a shame to see that section taken out. The committee has sat through two or three meetings going over this and he thinks it does a disservice to us on the Council to be here right at the last minute with the amendments in front of them. Councilor Breton had mentioned that by removing the research portion of it is putting the cart before the horse but unfortunately what we are doing with this banning of fracking waste here in town is we are looking for a solution in search of a problem. We don't have it as a

problem here in town or in the state. We have a moratorium in the state right now and we have state experts who can weigh in and he trusts the DEEP to be able to give guidance to our town. He asked if this ordinance is passed, who would enforce this ordinance in our towns department.

Town Manager Bridges responded that the purchasing side would be enforced through finance and given the fact that these products are illegal in the state, they shouldn't be here in the first place and we would call DEEP and if they were in Wethersfield doing what they are doing we could cite them in addition to whatever penalties DEEP so imposed. Councilor Rell asked who would track them or who would see what they are doing or how would we be notified. Town Manager Bridges replied that someone would have to tell us because there is no way we would know if a tanker truck has fracking versus heating oil unless there was a truck with a radioactive sticker on the back transferring its material from one truck to another. Just because a truck with a radioactive sticker on the back is parked at the diner getting something to eat, we are not going to know that's fracking waste. Councilor Rell asked then how would it be enforced from the town side. Town Manager Bridges responded that there are spills all the time and there is a reporting process. The hauler is responsible for reporting to DEEP and they come out and do a study and the carrier is responsible for any cleanup and we get a notice of that. He guessed that in the event of a fracking waste spill, DEEP would be contacted and then we would get notified. Councilor Rell asked is Wethersfield gets notified of any nuclear waste that gets transported along I-91 either to or from the nuclear power plants. Town Manager Bridges stated he has not been notified of that. Councilor Rell commented that we do not ban and this cannot ban interstate commerce so if there is a town that allows for fracked waste say Rocky Hill or Newington, they can go through our roads to transport it and so he thinks this is really an unenforceable ordinance. Town Manager Bridges stated that the majority of the genesis of this ordinance was to make sure the town doesn't use these materials in the environment of the town so we don't put them on the roads, we don't use it for brine or paving and that was the primary focus to his understanding of the ordinance. The ordinance is enforceable in that we are not going to buy products that contain fracking waste, will require certifications of our vendors that their materials don't contain fracking waste and if there is a spill of fracking waste in town we will be able to follow up with that contractor, vendor or hauler and attempt to seek recompense according to our ordinance.

Councilor Rell reiterated that he did not believe they should be amending the original version that came out of the Committee and therefore with the changes he could not support this.

Councilor Breton remarked that she understands it went through the Committee but we are a full Council and she was not on the committee but she did some additional research and looked into both the moratorium as well as the ordinance itself and it didn't sit well with her. She thinks a ban is effective and it may not be enforceable but when you think about the noise control ban when a guy drives by her house on a motorcycle at 3 a.m. she can't get his license plate or report it but we have the ordinance. There are several ordinances on the books that state what our position is and this protects our town and we have a unique opportunity here to do something proactively. They made those revisions in order to align with what the moratorium currently says so we have some standard before we expire the entire ordinance.

Councilor Spinella commented that as the Chair of the Committee that voted this out, he thinks this is a complete waste of time. He is going to vote for it because he doesn't know that there is a lot of downside here. He urged the Council to get back to the core functions of why they are here and this is not one of them because it is a fringe issue.

Councilor Forrest said he respects the diversity of thought around the board. He thinks this ordinance went through the process that our laws are supposed to go through to create good laws. The language came out that mirrored a state bill. To make the ordinance better it has been tweaked to match the standard of what the residents want to have with sunset provision when the state matches our standards which was exactly the intent of the committee. This ordinance sets a standard for our community so that if or when or if something does happen that we have in place the right set of laws by which this town can recover from such an event. He didn't see a down side to it and supports this ordinance.

Councilor Hurley commented that he thinks it is a fringe issue and doesn't affect us and the state has control of it and we need to get back to our financial responsibilities of the town.

Mayor Morrin Bello commented that she supports the amended fracking ordinance and feels strongly that we need to speak out about environmental issues and by passing this ordinance we are sending a loud and clear message to our state representatives that we do want meaningful protective legislation banning fracking waste in the State of Connecticut. She is happy to be part of the 36 other towns who have passed this and we also have the support of the Central Connecticut Health District, the Great Meadows Conservation Trust and our own Conservation Commission who have all spoken out in support of this. Senator Paul Doyle requested a report from the office of legislative research that we did receive that provided additional information on this. Their sole source of information was not the Water Watch group. She had a conversation with Representative Morin who put her in touch with Representative Albis from East Haven who was instrumental in starting the moratorium on it. She had a conversation with him regarding the fracking and where the state stands and right now it is not a front burner issue for the DEEP to create guidelines for it and at this point they are content with having the moratorium in place. Our ordinance has some stronger language than that moratorium and she thinks that we are in the right to do that.

Councilor Rell remarked that Senate Bill 103 is being proposed which is a ban on hydraulic fracturing in the State of Connecticut and wondered if we have looked at that proposed bill and how it may mirror or differentiate from our proposed ordinance. There is a section on research on that which would allow for up to three submissions prescribed by various different languages but basically the Commissioner of DEEP to approve. If this bill passes with that section would Wethersfield be able to have a facility in here to research and would the state law supersede our local ordinance on that. The Town Manager responded that he has not had a chance to get a copy of that. John Bradley, Town Attorney, remarked that he has not seen it and was not familiar with Senate Bill 103 but the existing law, Public Act 14-200 which Councilor Breton's amendment tracks the language of that bill which created the moratorium and has the exception for research and development that indicates that the Commissioner can improve in writing not more than three requests to allow a person whom the Commissioner determines to be professionally qualified to treat waste solely for the purpose of research so that provision is in the existing statute right now. Councilor Rell asked if that moratorium supersedes this ordinance. Attorney Bradley replied that there is currently a moratorium on fracking waste so it is prohibited in the State of Connecticut right now that the DEEP was directed to prepare that moratorium which stays in effect until the DEEP passes regulations and to have them ready by July 1st and the indication is that they have not prepared the regulations and they won't be ready and so the moratorium is still the law but to say that it supersedes we have created our own or at least this proposed ordinance has enacted a ban. Mayor Morrin Bello asked that our regulations if passed will be stronger than what the state currently has so it is her understanding that we would be banning the research materials even though the state allows them and if that was correct and Attorney Bradley replied that was correct.

Vote: All Councilors present, including the Chairperson voted. The motion passed 5-3-0 (Deputy Mayor Martino, Councilors Hurley and Rell voted nay).

UNFINISHED BUSINESS - Vehicle lift for Physical Services (continue to table).

OTHER BUSINESS - None

BIDS - None

ORDINANCES, RESOLUTIONS, APPOINTMENTS FOR INTRODUCTION - None

MINUTES

Councilor Spinella motioned **“TO APPROVE THE MEETING MINUTES OF FEBRUARY 5, 2018”**, seconded by Deputy Mayor Martino.

Vote: All Councilors present, including the Chairperson voted AYE. The motion passed 8-0-0.

PUBLIC COMMENTS

Gus Colantonio, 16 Morrison Avenue, stated he was outside waiting for someone to pick him up. He saw a woman walking with a dog at the intersection of Orchard and Morrison Avenue and tried to cross and there was a car coming from the east that drove through the stop sign and she almost got run over and it is a problem and he is still waiting for an answer. Bird Road he uses on a daily basis and it is no wider than Morrison Avenue and cars parked on both sides and suppose there is a fire where a fire truck won't be able to get by.

Robert Young, 20 Coppermill Road, continued to speak about the Standish House lease.

Tom Mazzarella, 600 Wolcott Hill Road, commented that energy is a very dirty business in almost every aspect of it except for maybe hydro. He worked in the oil and gas industry and was on drilling platforms out on the North Sea, Gulf of Mexico and the Middle East and there is a lot of engineering involved in extracting oil and gas and is a big task to do it environmentally safe. Fracking may not be working out exactly as it was predicted but he didn't think it was an insurmountable task to learn how to control the waste products and remediate the process and thinks it is hypocritical of people to say they don't want it in our backyard. He talked about trash plants, everybody owning cars with hazardous material in the tank, solar power and hydro power from Canada and passing an ordinance is minor in the scheme of having a perfect environment.

Kaci White, 91 Center Street, thanked the Council because Wethersfield's reputation is going to improve because of this and the number of people who have turned out for this shows that they care about this and think is important. She thinks her generation can find solutions to problems with innovation and changing things little by little and so we have to take steps along the way and that's the perspective of a realist. We can be realist who also want to make good change.

Rick Newell, 308 Nott Street, commented he is a disabled American veteran and is employed by the Disabled American Veterans and is the Service Director for the State of Connecticut and wanted to commend the Council for passing the ordinance for Gold Star parents. He gave a history of how Gold Star came to be.

ADJOURNMENT

At 9:00 p.m., Councilor Lessor motioned **"TO ADJOURN THE MEETING"** seconded by Councilor Breton. All Councilors present, including the Chairperson voted AYE. The motion passed 8-0-0.

Dolores G. Sassano
Town Clerk

APPROVED BY VOTE OF COUNCIL (7-0-1)
(Councilor Latina Abstained)
March 5, 2018