



STATE OF CONNECTICUT
TOWN OF GREENWICH

The Annual Representative Town Meeting of the Town of Greenwich will be held in the auditorium of Central Middle School on **Tuesday**, January 16, 2018 at 8:00 P. M. for the following purposes:

1. To administer the oath of office to all members for 2018-2019 term.
2. Elect a Moderator
3. Elect a Moderator ProTempore
4. To consider and act upon the following resolution, requested by the Moderator.

RESOLVED, that the regular meeting dates for the 2018-2019 RTM term shall be set forth below, and those dates shall preempt any provisions of the RTM Rules that may be in conflict (for the 2018-2019 term only):

2018:

Tuesday, January 16; Monday, March 12; Monday, April 9; Monday, May 14; Monday, June 11; Monday, September 17; Monday, October 22; Monday, December 10.

2019:

Tuesday, January 22; Monday, March 11; Monday, April 8; Monday, May 13; Monday, June 10; Monday, September 16; Monday, October 28; Monday, December 9.

Referred to All Committees

5. To consider and act upon the following resolution, requested by the Board of Selectman and the Board of Social Services.

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.

- (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) [a] There shall be a Department of Human Services under the direction and control of the Board of Human Services.
- (c) [b] The Board of Human Services shall consist of seven (7) 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.

- (d) [c] The Board of Human Services shall have 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.

(additions **bold**; deletions within [brackets])

(S.A. 444 § 26, 1939; as amended by S.A. 607 § 5, 1951; RTM, 1/15/1968; RTM, 6/9/1969; RTM, 4/10/1972; RTM, 1/18/1994; RTM, 3/13/2017, **RTM, 12/11/2017.**)

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 **bold**; deletions within [brackets])

(S.A. 444 § 26, 1939; as amended by S.A. 133, 1943; S.A. 327, 1953; S.A. 79, 1955; RTM, 1/15/1968; RTM, 6/9/69; RTM, 4/10/72; RTM, 3/10/2003; RTM, 3/13/2017; **RTM, 12/11/2017.**)

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.

Referred to Health & Human Services Committee
Referred to Legislative & Rules Committee

6. To consider and act upon the following resolution.

RESOLVED, that the Representative Town Meeting of the Town of Greenwich hereby rejects the Arbitration Award dated December 22, 2017 between the Town of Greenwich and Teamsters Local 456 covering the period July 1, 2016 through June 30, 2019.

Referred to Education Committee
Referred to Finance Committee
Referred to Labor Contracts Committee
Referred to Parks & Recreation Committee
Referred to Public Works Committee

7. To consider and act upon the following resolution, requested by the Appointments Committee.

Whereas the Appointments Committee seeks to responsibly perform its duty to nominate qualified and competent members to the Condemnation Commission and...

Whereas it is necessary for members of the nominating body to fully and confidently understand the responsibilities and obligations conferred upon members of the Condemnation Commission by the Town Municipal Code in order to perform this duty and...

Whereas the responsibilities and obligations of the Condemnation Commission as found in Municipal Code are not only numerous and widely dispersed but also inaccessible in some instances and...

Whereas the Appointments Committee asserts that it is the responsibility of the RTM, the appointing body of the Condemnation to be fully confident and knowledgeable about the role of the Condemnation Commission when making appointments...

Be it resolved that the RTM will establish a subcommittee to examine the Municipal Code that relates to the Condemnation Commission. The subcommittee's role will be to provide a concise statement providing a working understanding of the role of the Condemnation Commission and suggestions, if any, on the need to amend the municipal code to provide clarity with respect to the Commission's role.

The subcommittee shall:

1. Research the existing Municipal code that relates to the Condemnation Commission.
2. Identify what the role of the Condemnation Commission should be today and for the foreseeable future.
3. Determine whether a revision to the existing code (§157b) is necessary in order to explicitly state the powers and duties of the Condemnation Commission in such a way that is understandable and immediately accessible to the reader.
4. perform the work as described and report back to the RTM by the September 2018 RTM meeting with its findings and any recommendations.

The Composition of the Board shall be as follows:

The composition of this subcommittee shall consist of 5 members as follows:

1. One member as appointed by the Condemnation Commission
2. One member (delegate or alternate) of each of the following Standing Committees of the RTM as appointed by the Committee:
 - Appointments Committee
 - Land Use Committee
 - Public Works Committee
 - Legislative and Rules Committee.

Referred to Land Use Committee
Referred to Legislative & Rules Committee
Referred to Public Works Committee

8. To consider and act upon the following resolution, requested by the Appointments Committee.

Be it resolved that **ARTICLE 9. - PLANNING AND ZONING, Sec. 84. - Planning and Zoning Board of Appeals; organization** of the Charter of the Town shall be amended by replacing said Section 84 with the following:

Sec. 84- Planning and Zoning Board of Appeals; organization: Membership; number; appointment.

There shall be in the Town a board to be known as the "Planning and Zoning Board of Appeals of the Town of Greenwich." The Board shall have all the powers and duties conferred upon Zoning Boards of Appeals by the General Statutes, in addition to the powers and duties conferred by this Article.

(a) Composition

1. The Planning and Zoning Board of Appeals shall consist of five (5) regular members.
2. In addition to five (5) regular members, the Planning and Zoning Board of Appeals shall also include three (3) alternate members. Such alternate members shall, when seated as herein provided, have all the powers and duties conferred upon Zoning Boards of Appeals and their members by the General Statutes in addition to the powers and duties conferred by this article.
3. If a regular member of the Board is absent, she or he may designate an alternate member to act in his or her place. If she or he fails to make such a designation or if she or he is disqualified, the chairman of the board shall designate an alternate member, choosing alternate members in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

(b) Eligibility

Members shall be electors of the Town of Greenwich and shall not be members of the Planning and Zoning Commission

(c) Appointment Process

1. The five (5) regular members and the three (3) alternate 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) Establishment of Unique Designations

1. Each of the eight (8) 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 "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) Length and types of terms

1. Terms for appointed regular members and alternates shall be for a period of four (4) years except for the shorter one-time Interim Terms for members R3, R5, A1 and A3 as designated in subsection (f), "Designation of Board Positions"

2. Two (2) types of terms are utilized in subsection (e)1 above and in the subsections below. "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. "Interim Term" refers to a single term of less than four (4) years and which is used once, as specified in subsection (f) below, to accomplish a staggering of the term expiration years of the Board positions for the purpose of limiting the scheduled turnover of Board members in a single year, thus minimizing risk to Board continuity.

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 October 31 and commence on November 1 according to the designations in subsection (f).
5. Each regular member and alternate 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 October 31 following the date on which such member's current appointment was scheduled to expire.
6. Appointed members of the Board shall hold office until their successors shall have been appointed and shall qualify.

(f) Designation of Board Positions

1. The positions for the five (5) appointed regular members shall be designated positions R1 through R5 and the positions for the three (3) appointed alternate members shall be designated positions A1 through A3. These terms for these positions are defined as follows:

(R1): The Current Term for regular member (R1) shall expire October 31, 2018. Terms thereafter shall be for a period of four (4) years.

(R2): The Current Term for regular member (R2) shall expire October 31, 2018. Terms thereafter shall be for a period of four (4) years.

(R3): The Current Term for regular member (R3) shall expire October 31, 2018. The next appointment will be to a one (1) year Interim Term which will expire October 31, 2019. Terms thereafter shall be for a period of four (4) years.

(R4): The Current Term for regular member (R4) shall expire October 31, 2020. Terms thereafter shall be for a period of four (4) years.

(R5): The Current Term for regular member (R5) shall expire October 31, 2020. The next appointment will be to a one (1) year Interim Term which will expire October 31, 2021. Terms thereafter shall be for a period of four (4) years

(A1): The Current Term for alternate member (A1) shall expire October 31, 2018. The next appointment will be to a one (1) year Interim Term which will expire October 31, 2019. Terms thereafter shall be for a period of four (4) years.

(A2): The Current Term for alternate member (A2) shall expire October 31, 2020. Terms thereafter shall be for a period of four (4) years.

(A3): The Current Term for alternate member (A3) shall expire October 31, 2020. The next appointment will be to a one (1) year Interim Term which will expire October 31, 2021. Terms thereafter shall be for a period of four (4) years.

Referred to Land Use Committee
Referred to Legislative & Rules Committee

9. To consider and act upon the following resolution, requested by the Appointments Committee.

Be it resolved that **ARTICLE 12. - PUBLIC WORKS, Sec. 157. - Condemnation Commission**, of the Charter of the Town shall be amended by replacing subsection 157(a) with the following:

(a) Composition and authority

1. There shall be in the Town a Commission to be known as the Condemnation Commission.
2. The Condemnation Commission shall exercise all the powers and perform all the duties which were formerly conferred and imposed by law upon the Town Highway Commission and upon the Sewer Commissioners in respect to the condemnation of land and the assessment of damages arising out of such condemnation of land, and in respect to the assessment of benefits arising out of the construction of highways and the construction or connection of sewers. No appeal shall be taken from the action of the Condemnation Commission except within thirty (30) days from the filing of its report. If, after the making of any assessments of benefits, the land upon which it is made shall be divided, the Assessor shall have all the powers and duties formerly confirmed or imposed by law upon the Sewer Commissioners with respect to the apportionment of such assessments.
3. The Condemnation Commission shall consist of five (5) regular members.

(b) Eligibility

Members shall be resident electors of the Town of Greenwich.

(c) Appointment Process

1. Members shall be appointed by the Representative Town Meeting.
2. Vacancies in the membership of the Commission shall be filled for the unexpired portion of a term in the same manner as regular and, should this Commission ever be assigned alternate members, alternate appointments.

(d) Establishment of Unique Designations

1. Each of the five (5) appointed positions on this Commission 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 Commission 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) Length and types of terms

1. Terms for appointed regular members and alternates shall be for a period of four (4) years except for the shorter one-time Interim Terms for each position, as designated in subsection (f), "Designation of Commission Positions"
2. Two (2) types of terms are utilized in this subsection (e) and the subsections below. "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. "Interim Term" refers to a single term of less than four (4) years and which is used once, as specified in subsection (f) below, to accomplish a staggering of the term expiration years of the Board positions for the purpose of limiting the scheduled turnover of Commission members in a single year, thus minimizing risk to Commission continuity.
3. When appointing a new member to this Commission, 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 March 31 and commence on April 1 according to the designations in subsection (f).

(f) Designation of Commission Positions

1. The positions for the five (5) appointed regular members shall be designated positions R1 through

R5. These terms for these positions are defined as follows:

(R1): The Current Term for regular member (R1) shall expire March 31, 2018. The next appointment will be to a one (1) year Interim Term which will expire March 31, 2019. Terms thereafter shall be for a period of four (4) years.

(R2): The Current Term for regular member (R2), shall expire March 31, 2018. The next appointment will be to a one (1) year Interim Term which will expire March 31, 2019. Terms thereafter shall be for a period of four (4) years.

(R3): The Current Term for regular member (R3), shall expire March 31, 2018. The next appointment will be to a three (3) year Interim Term which will expire March 31, 2021. Terms thereafter shall be for a period of four (4) years.

(R4): The Current Term for regular member (R4) shall expire March 31, 2018. The next appointment will be to a three (3) year Interim Term which will expire March 31, 2021. Terms thereafter shall be for a period of four (4) years.

(R5): The Current Term for regular member (R5) shall expire March 31, 2018. The next appointment will be to a three (3) year Interim Term which will expire March 31, 2021. Terms thereafter shall be for a period of four (4) years.

Referred to Legislative & Rules Committee
Referred to Public Works Committee

10. To consider and act upon the following resolution, requested by the Appointments Committee.

Be it resolved that **ARTICLE 8. - PARKS AND RECREATION, Sec. 80. - Board of Parks and Recreation** of the Charter of the Town shall be amended by replacing said Section 80 **Board of Parks and Recreation** with the following:

Sec. 80- Board of Parks and Recreation. There shall be a Board of Parks and Recreation whose membership, number and appointment shall be as follows:

(a) Composition and responsibilities.

1. The Board of Parks and Recreation shall consist of nine (9) regular members.

2. In addition to the (9) regular members, one (1) of the Selectmen and one (1) member of the Board of Education to be designated by the Board of Selectmen and the Board of Education respectively, shall be members of such Board, ex officio.

3. The Board shall make studies and shall prepare and submit to the First Selectman from time to time, proposals, recommendations and long range plans relating to the parks and recreational

system of the Town. The First Selectman shall consult with the Board concerning the selection of sites, budget and the appointment of personnel.

(b) Eligibility

Members shall be resident electors of the Town of Greenwich.

(c) Appointment Process

1. The nine (9) regular 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, should this Board ever be assigned alternate members, alternate appointments.

(d) Establishment of Unique Designations

1. Each of the nine (9) 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) Length and types of terms

1. Terms for appointed regular members and alternates shall be for a period of three (3) years as designated in subsection (f), "Designation of Board Positions"
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.

6. Appointed members of the Board shall hold office until their successors shall have been appointed and shall qualify.

(f) Designation of Board Positions

1. The positions for the nine (9) appointed regular members shall be designated positions R1 through R9. These 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 three (3) years.

(R2): The Current Term for regular member (R2) shall expire June 30, 2018. Terms thereafter shall be for a period of three (3) years.

(R3): The Current Term for regular member (R3) shall expire June 30, 2018. Terms thereafter shall be for a period of three (3) years.

(R4): The Current Term for regular member (R4) shall expire June 30, 2019. Terms thereafter shall be for a period of three (3) years.

(R5): The Current Term for regular member (R5) shall expire June 30, 2019. Terms thereafter shall be for a period of three (3) years.

(R6): The Current Term for regular member (R6) shall expire June 30, 2019. Terms thereafter shall be for a period of three (3) years.

(R7): The Current Term for regular member (R7) shall expire June 30, 2020. Terms thereafter shall be for a period of three (3) years.

(R8): The Current Term for regular member (R8) shall expire June 30, 2020. Terms thereafter shall be for a period of three (3) years.

(R9): The Current Term for regular member (R9) shall expire June 30, 2020. Terms thereafter shall be for a period of three (3) years.

Referred to Legislative & Rules Committee
Referred to Parks & Recreation Committee

11. To consider and act upon the following resolution, requested by the Appointments Committee.

Be it resolved that **ARTICLE 9. - PLANNING AND ZONING., Sec. 85, Sec. 86 and Sec. 87-** of the Charter of the Town shall be amended by replacing said Sections 85 through 87 with the following:

Sec. 85. – Commission membership; number; appointment.

(a) Composition.

1. The Planning and Zoning Commission shall consist of seven (7) members, five (5) of whom shall be regular members.
2. Two (2) members shall be the First Selectman and the Commissioner of Public Works, ex officio. The ex officio members of the Commission shall have the same rights and duties as the appointed members, but shall not have the right to vote. Their terms of office shall correspond to their respective official tenures.
3. In addition to five (5) regular members, the Planning and Zoning Commission shall also include three (3) alternate members. The alternate members of the Planning and Zoning Commission, when seated on the Commission, shall have all the powers and duties set forth in the General Statutes of the State and the Special Acts of the Town relating to the Planning and Zoning Commission of the Town.
4. Alternate members shall serve without compensation.
5. Four (4) members of the Commission shall constitute a quorum thereof and such quorum may include an ex officio member or members. No action of the Commission shall be taken except upon the affirmative vote of at least four (4) members thereof.
6. If a regular member of the Planning and Zoning Commission is absent or is disqualified, the chairman of the Commission shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

(b) Eligibility

1. All Members, except ex-officio members, shall be electors of the Town.
2. Such alternate members shall not be members of the Planning and Zoning Board of Appeals.

(c) Appointment Process

1. Five (5) regular members and the three (3) alternate members shall be nominated by the Board of Selectmen and appointed by the Representative Town Meeting.
2. Vacancies in the appointed membership of the Commission shall be filled for the unexpired portion of a term in the same manner as regular and alternate appointments.
3. Appointments to the Commission to fill expired terms shall be made annually on or before November 1.

(d) Establishment of Unique Designations

1. Each of the eight (8) appointed positions on this Commission 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 "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) Length and types of terms

1. Terms for appointed regular members and alternates shall be for a period of three (3) years except for the shorter one-time Interim Terms for members R3, R5, A2 and A3 as designated in subsection (f), "Designation of Commission Positions".
2. Two (2) types of terms are utilized in subsection 85(e)1 above and in subsection (f) below. "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. "Interim Term" refers to a single term of less than three (3) years and which is used once, as specified in subsection (f) below, to accomplish a staggering of the term expiration years of the Board positions for the purpose of limiting the scheduled turnover of Commission members in a single year, thus minimizing risk to Commission continuity.
3. When appointing a new member to this Commission, 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 October 31 and commence on November 1 according to the designations in subsection (f).
5. Each regular member and alternate 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 October 31 following the date on which such member's current appointment was scheduled to expire.
6. Appointed members of the Commission shall hold office until their successors shall have been appointed and shall qualify.

(f) Designation of Commission Positions

1. The positions for the five (5) appointed regular members shall be designated positions R1 through R5 and the positions for the three (3) appointed alternate members shall be designated positions A1 through A3. These terms for these positions are defined as follows:

(R1): The Current Term for regular member (R1) shall expire October 31, 2018. Terms thereafter shall be for a period of three (3) years.

(R2): The Current Term for regular member (R2) shall expire October 31, 2019. Terms thereafter shall be for a period of three (3) years.

(R3): The Current Term for regular member (R3), shall expire October 31, 2019. The next appointment will be to a one (1) year Interim Term which will expire October 31, 2020. Terms thereafter shall be for a period of three (3) years.

(R4): The Current Term for regular member (R4) shall expire October 31, 2019. Terms thereafter shall be for a period of three (3) years

(R5): The Current Term for regular member (R5) shall expire October 31, 2020. The next appointment will be to a one (1) year Interim Term which will expire October 31, 2021. Terms thereafter shall be for a period of three (3) years.

(A1): The Current Term for alternate member (A1) shall expire October 31, 2019. Terms thereafter shall be for a period of three (3) years.

(A2): The Current Term for alternate member (A2) shall expire October 31, 2020. The next appointment will be to a one (1) year Interim Term which will expire October 31, 2021. Terms thereafter shall be for a period of three (3) years.

(A3): The Current Term for alternate member (A3) shall expire October 31, 2020. The next appointment will be to a two (2) year Interim Term which will expire October 31, 2022. Terms thereafter shall be for a period of three (3) years.

Sec. 86- Reserved

Sec. 87- Reserved

Referred to Land Use Committee
Referred to Legislative & Rules Committee

12. To consider and act upon the following resolution, requested by the Appointments Committee.

Be it resolved that **ARTICLE 5. – HEALTH, Sec. 58. – Nursing home administration, subsections (a) through (d)** of the Charter of the Town shall be amended by replacing said subsections (a) through (c) with the following subsections (a) through (f) and subsection (d) will be re-lettered (g).

Sec. 58 Nursing Home Administration, Membership; number; appointment.

There shall be in the Town a Board to be known as "The Nathaniel Witherell Board."

(a) Composition; Organization.

1. The **Nathaniel Witherell Board** shall consist of nine (9) regular members.
2. At its organization meeting. The Board shall elect from among its members a chairman, vice-chairman and secretary for a term of one (1) year each. The Chairman shall have a vote at the meeting of the Board and, in the case of a tie, an additional vote for the purpose of dissolving such tie. In the absence of the Chairman of the Board, the Vice-Chairman shall act for her or him and have the same powers as the Chairman. The Board shall also enact a set of by-laws or rules pertaining to its conduct of business.

(b) Eligibility

Members shall be electors of the Town of Greenwich.

(c) 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, should this Board ever be assigned alternate members, alternate appointments.

(d) Establishment of Unique Designations

1. Each of the nine (9) 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) Length and types of terms

1. Terms for appointed regular members and alternates shall be for a period of three (3) years except for the shorter one-time Interim Terms for members R8 and R9, as designated in subsection (f), "Designation of Board Positions"
2. Two (2) types of terms are utilized in subsection €1 above and the subsections below. "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. "Interim Term" refers to a single term of less than three (3) years and which is used once, as specified in subsection (f) below, to accomplish a staggering of the term expiration years of the Board positions for the purpose of limiting the scheduled turnover of Board members in a single year, thus minimizing risk to Board continuity.
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.

(f) Designation of Board Positions

1. The positions for the nine (9) appointed regular members shall be designated positions R1 through R9. These 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 three (3) years.

(R2): The Current Term for regular member (R2) shall expire June 30, 2018. Terms thereafter shall be for a period of three (3) years.

(R3): The Current Term for regular member (R3) shall expire June 30, 2018. Terms thereafter shall be for a period of three (3) years.

(R4): The Current Term for regular member (R4) shall expire June 30, 2019. Terms thereafter shall be for a period of three (3) years.

(R5): The Current Term for regular member (R5) shall expire June 30, 2019. Terms thereafter shall be for a period of three (3) years.

(R6): The Current Term for regular member (R6) shall expire June 30, 2019. Terms thereafter shall be for a period of three (3) years.

(R7): The Current Term for regular member (R7) shall expire June 30, 2020. Terms thereafter shall be for a period of three (3) years.

(R8): The Current Term for regular member (R8), shall expire June 30, 2019. The next appointment will be to a one (1) year Interim Term which will expire June 30, 2020. Terms thereafter shall be for a period of three (3) years.

(R9): The Current Term for regular member (R9) shall expire June 30, 2019. The next appointment will be to a one (1) year Interim Term which will expire June 30, 2020. Terms thereafter shall be for a period of three (3) years.

(g) Authority

1. The Board shall have full legal authority and responsibility for the operation of the facility as delineated by applicable local, State and Federal regulations and standards.
2. The Board shall have the power to appoint and remove a licensed Nursing Home Administrator and a Medical Director. The Board shall make such rules as it may deem necessary for the conduct of the Nursing Home, for the admission of patients thereto and for charges against such patients as are able to pay. The Board shall further be responsible for the conduct of the rental units, for the admission of elderly persons thereto and for charges against such persons.

Referred to Legislative & Rules Committee
Referred to Health & Human Services Committee

13. To consider and act upon the following resolution, requested by the Appointments Committee.

Be it resolved that **ARTICLE 5. - HEALTH. Sec. 50 - Health Department; Board of Health** of the Charter of the Town shall be amended by replacing said Section 50 with the following:

Sec. 50 - Health Department; Board of Health: Membership; number; appointment.

- (a) There shall be a Department of Health under the direction and supervision of the Board of Health.

(b) Composition and Authority

1. The Board of Health shall consist of seven (7) regular members.
2. The Board of Health show have power to appoint and remove the Director of Health.

(c) Eligibility

There are no eligibility requirements to serve on the Board of Health

(d) 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.

(e) 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.

(f) Length and types of terms

1. Terms for appointed regular members and alternates shall be for a period of four (4) years except for the shorter one-time Interim Terms for members R3, R6 and R7, as designated in subsection (g), "Designation of Board Positions"
2. Two (2) types of terms are utilized in this subsection (f) and subsection (g) below. "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. "Interim Term" refers to a single term of less than four (4) years and which is used once, as specified in subsection (g) below, to accomplish a staggering of the term expiration years of the Board positions for the purpose of limiting the scheduled turnover of Board members in a single year, thus minimizing risk to Board continuity.

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 (g).

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.

6. Appointed members of the Board shall hold office until their successors shall have been appointed and shall qualify.

(g) Designation of Board Positions

1. The positions for the seven (7) appointed regular members shall be designated positions R1 through R7. These 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. The next appointment will be to a one (1) year Interim Term which will expire June 30, 2019. Terms thereafter shall be for a period of four (4) years.

(R4): The Current Term for regular member (R4) shall expire June 30, 2020. Terms thereafter shall be for a period of four (4) years.

(R5): The Current Term for regular member (R5) shall expire June 30, 2020. Terms thereafter shall be for a period of four (4) years.

(R6): The Current Term for regular member (R6) shall expire June 30, 2020. The next appointment will be to a one (1) year Interim Term which will expire June 30, 2021. Terms thereafter shall be for a period of four (4) years.

(R7): The Current Term for regular member (R7) shall expire June 30, 2020. The next appointment will be to a one (1) year Interim Term which will expire June 30, 2021. Terms thereafter shall be for a period of four (4) years.

Referred to Legislative & Rules Committee
Referred to Health & Human Services Committee

14. To consider and act upon the following resolution, requested by the Appointments Committee.

Be it resolved that **ARTICLE 5. - HEALTH, Sec. 62. - Department of Human Services; Board of Human Services** of the Charter of the Town shall be amended by replacing said Section 62 with the following:

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

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 power to appoint and remove the Commissioner of Human Services. The Board of Human Services may appoint a Deputy Commissioner of Human Services.

(a) Composition

The Board of Human Services shall consist of seven (7) regular members.

(b) Eligibility

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

(c) 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) 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) 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.

6. Appointed members of the Board shall hold office until their successors shall have been appointed and shall qualify.

(f) 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.

Referred to Legislative & Rules Committee
Referred to Health & Human Services Committee

15. To consider and act upon the following resolution, requested by the Appointments Committee.

Whereas the Representative Town Meeting has amended the Municipal Code to establish unique position designations for members and alternate members of the town agencies appointed by the RTM and...

Whereas it is has been established by action of the Representative Town Meeting that the positions on these town agencies have been assigned unique designations...

Be it resolved that,

1. These unique position designations shall be assigned to the current members of the town agencies appointed by the RTM according to the schedule below.
2. Each new member appointed in the future to the any of these agencies will receive the position designation assigned the person she or he is succeeding.
3. 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.

Agency	Position Designation	Name
Commission on Aging	R1	Patricia Rand Burns
	R2	James Dougherty
	R3	Carol Burns

Agency	Position Designation	Name
	R4	Steven Katz
	R5	Dr. Ellen Wolfson
	R6	AnnaMarie Hynes
	R7	Francis (Kip) Burgweger
Alarm Appeal Board	R1	Frederick, JR Brooks
	R2	Joseph "Casey" Havranek
	R3	Thomas Zack
	R4	John Slusarz
	R5	Dennis JR (Peter) Yeskey
Condemnation Commission	R1	Dr. Carl Carlson
	R2	P. Jude Collins
	R3	Donald Conway
	R4	Jackie Hammock
	R5	Paul Settelmeyer
Board of <u>Ethics</u>	R1	Paul De Bary
	R2	John Margenot
	R3	Robert Grele
	R4	Ian, Father Jeremiah
	R5	Robert Sisca
Flood and Erosion Control Board	R1	Edward Schmeltz
	R2	John Stankunas
	R3	Peter Finkbeiner
	R4	Aubrey (Pat), PE Mead
	A1	Robert Cenci
	A2	Allison Walsh
Harbor Management Commission	R1	Michael Van Oss
	R2	Frank Mazza
	R3	Stephen Kinner
	R4	William Ingraham
	R5	Lile Gibbons
	R6	Bernard Armstrong
	R7	Bruce Angiolillo
	A1	Donald Carlson
	A2	Joseph "Casey" McKee
Board of Health	R1	Kurt Schaffir
	R2	Robert Carangelo
	R3	Dr. Andrew Bronin
	R4	Dr. Marilyn Ross Cahn
	R5	Julia Chiappetta
	R6	Vick Sandhu
	R7	Dr. Mark Armstrong
Historic District	R1	Aris Crist

Agency	Position Designation	Name
Commission	R2	Darius Toraby
	R3	Kathrin "Katy" Brown
	R4	Phyllis Sheridan
	R5	Stephen Bishop
	A1	Anna Maria (Annie) McGinnis
	A2	Cynthia Smith
	A3	Serena Bechtel
	A4	Martin Kagin
	A5	Marie Williams
Board of Human Services	R1	Alan Gunzburg
	R2	Natalie Queen
	R3	Jeffrey Medina
	R4	Barbara Nolan
	R5	Winston Robinson
	R6	Annalisa Fernandez
	R7	Abbott Jones
Inland Wetlands and Watercourses Agency	R1	Jacob Schondorf
	R2	Alan (Brian) Harris
	R3	Joseph Rogers
	R4	Stephan Skoufalos
	R5	Bill Galvin
	R6	Norma Kerlin
	R7	Elliott Benton
	A1	Peter Linderroth
	A2	Alan Rossi
	A3	Klaus Jander
Nathaniel Witherell, Board of	R1	Frank Ennis
	R2	Nisha Hurst
	R3	Lloyd Bankson
	R4	Laurence Simon
	R5	Karen Sadik-Khan
	R6	Louise C Puschel
	R7	Suzanne Hogan
	R8	Richard Kaplan
	R9	Elizabeth Siderides
Board of Parks and Recreation	R1	Kirk Schubert
	R2	Patrick Slyne
	R3	Richard Loh
	R4	Open (Caplan previous)
	R5	Frank DiVincenzo
	R6	John Hartwell
	R7	Scott Johnson

Agency	Position Designation	Name
	R8	Gary Dell' Abate
	R9	Thomas McGarrity
Planning and Zoning Board of Appeals	R1	Lawrence Larson
	R2	Arthur Delmhorst
	R3	David Weisbrod
	R4	Patricia KirkPatrick
	R5	Wayne Sullivan
	A1	Kenneth Rogozinski
	A2	John Vecchiola
	A3	Frank O'Connor
Planning and Zoning Commission	R1	Richard Maitland
	R2	Nicholas Macri
	R3	Margarita Alban
	R4	H. Andrew Fox
	R5	Peter Levy
	A1	Victoria Goss
	A2	Dennis, Sr. Yeskey
	A3	OPEN (Macri elevated)
School Building Committee	R1	Jake Allen
	R2	Dean L Goss
	R3	Alan Brian, Jr Harris
	R4	Patricia Kantorski
	R5	Clare Kilgalen
	R6	Steve Walko

Referred to Legislative & Rules Committee

16. To consider and act upon the following resolution, requested by registered voters.

RESOLVED,

That the following proposed RTM Rule, "Use of Town Email Addresses by all RTM Members for Official Town Business" be adopted by the RTM.

II. GENERALLY

E. Use of Town Email Addresses by all RTM Members for Official Town Business

1. Purpose

a. Greenwich Town policy requires that all RTM Members using email to conduct official Town business must comply with this Rule on the Use of Town Email Addresses by all RTM Members for Official Town Business ("Rule").

2. Rule

a. Establishing Town Email Addresses.

All RTM members without official Town email addresses must contact the Town's Information Technology Department and establish an official Town email address no later than 30 days after the Regular Meeting in March in even numbered years or, for members elected to fill vacancies, within 30 days of being deemed elected and qualified RTM members.

b. Receipt of Emails regarding Town Business to Personal Email Addresses.

When receiving an email regarding Town business to personal email addresses, RTM members must check to determine if the email is from a Town address, or includes a Town address in the To, CC or BCC field. If no Town email addresses are included, RTM members must respond back or forward the message with at least one Town email address in the To or CC field or include the record@greenwichct.org email address in the To or CC field when it is not practical to include another person.

c. Sending Emails regarding Town Business Using a Personal Email Addresses.

When sending a Town business related email using a personal email address, RTM members must include a Town email address in the To or CC field or include the record@greenwichct.org email address in the To or CC field.

3. Privacy.

a. RTM members who are issued official Town email addresses understand that there is no expectation of privacy when using these Town-issued addresses. The Town has the right to review all records related to Town issued addresses.

b. In the event the Town receives a Freedom of Information Act request for records which the Town believes may have been received at or sent from an RTM member's personal email address, the RTM member must cooperate to the fullest extent possible with the Town to search emails received at or sent from his or her own personal email addresses and provide copies of any responsive records related to the conduct of the Town's business received at or sent from any such personal address.

Alternative format using 5th level of outline

II. GENERALLY

E. Use of Town Email Addresses by all RTM Members for Official Town Business

1. Purpose

a. Greenwich Town policy requires that all RTM Members using email to conduct official Town business must comply with this Rule on the Use of Town Email Addresses by all RTM Members for Official Town Business ("Rule").

2. Rule.

a. Establishing Town Email Addresses.

(1) All RTM members without official Town email addresses must contact the Town's Information Technology Department and establish an official Town email address no later than 30 days after the Regular Meeting in March in even numbered years or, for members elected to fill vacancies, within 30 days of being deemed elected and qualified RTM members.

b. Receipt of Emails regarding Town Business to Personal Email Addresses.

(1) When receiving an email regarding Town business to personal email addresses, RTM members must check to determine if the email is from a Town address, or includes a Town address in the To, CC or BCC field. If no Town email addresses are included, RTM members must respond back or forward the message with at least one Town email address in the To or CC field or include the record@greenwichct.org email address in the To or CC field when it is not practical to include another person.

c. Sending Emails regarding Town Business Using a Personal Email Addresses.

(1) When sending a Town business related email using a personal email address, RTM members must include a Town email address in the To or CC field or include the record@greenwichct.org email address in the To or CC field.

3. Privacy.

a. RTM members who are issued official Town email addresses understand that there is no expectation of privacy when using these Town-issued addresses. The Town has the right to review all records related to Town issued addresses.

In the event the Town receives a Freedom of Information Act request for records which the Town believes may have been received at or sent from an RTM member's personal email address, the RTM member must cooperate to the fullest extent possible with the Town to search emails received at or sent from his or her own personal email addresses and provide copies of any responsive records related to the conduct of the Town's business received at or sent from any such personal address.

Referred to Legislative & Rules Committee

17. To consider and act upon the following resolution, requested by Registrar of Voters.

RESOLVED, that the sum of \$53,017.00 be and the same is hereby appropriated to be added to Account Number A120-51450, November Municipal election.

Referred to Finance Committee
Referred to Town Services Committee

18. To consider and act upon the following resolution, requested by registered voters.

RESOLVED,

WHEREAS,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TOWN of Greenwich, CONNECTICUT

CODE OF ORDINANCES

Ordinance Prohibiting Waste Associated with Natural Gas and Oil Extraction

xxx-01 Definitions for the Purposes of this Ordinance:

1. For the purposes of this Ordinance, the following terms, phrases, and words shall have the meanings given here, unless otherwise clearly indicated by the context:
 2. *“Hydraulic fracturing”* shall mean the fracturing of underground rock formations, including shale and non-shale formations, by manmade fluid-driven techniques for the purpose of stimulating oil, natural gas, or other subsurface hydrocarbon production.
 3. *“Natural gas extraction activities”* shall mean all geologic or geophysical activities related to the exploration for or extraction of natural gas, including, but not limited to, core and rotary drilling and hydraulic fracturing.
 4. *“Oil extraction activities”* shall mean all geologic or geophysical activities related to the exploration for or extraction of oil, including, but not limited, to, core and rotary drilling and hydraulic fracturing.
 5. *“Natural gas waste”* shall mean: a) any liquid or solid waste or its constituents that is generated as a result of natural gas extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants; b) leachate from solid wastes associated with natural gas extraction activities; c) any waste that is generated as a result of or in association with the underground storage of natural gas; d) any waste that is generated as a result of or in association with liquefied petroleum gas well storage operations; and e) any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.
6. *“Oil waste”* shall mean: a) any liquid or solid waste or its constituents that is generated as a result of oil extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants; b) leachate from solid wastes associated with oil extraction activities; and c) any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.
7. *“Application”* shall mean the physical act of placing or spreading natural gas waste or oil waste on any road or real property located within the Town of Greenwich.
8. *“Collector”* shall mean any person who holds himself out for hire to collect solid waste on a regular basis from residential, business, commercial or other establishments.
9. *“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 or oil waste shall be utilized in providing such a service.
2. All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within the Town shall include a provision stating that no materials containing natural gas or oil waste shall be provided to the Town.
3. The following statement, which shall be a sworn statement under penalty of perjury, shall be included in all bids related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and or maintained road or real property within the Town and all bids related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the Town: *"We _____ hereby submit a bid for materials, equipment and/or labor for the Town of Greenwich. The bid is for bid documents titled _____. We hereby certify under penalty of perjury that no natural gas waste or oil waste will be used by the undersigned bidder or any contractor, sub-contractor, agent or vendor agent in connection with the bid; nor will the undersigned bidder or any sub-contractor, agent or vendor agent thereof apply any natural gas waste or oil waste to any road or real property within the Town of Greenwich as a result of the submittal of this bid if selected."*

xxx-04 Penalties

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

xxx-05 Severability

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

xxx-06 Transportation

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

Referred to Land Use Committee
Referred to Legislative & Rules Committee
Referred to Health & Human Services Committee