



STATE OF CONNECTICUT
TOWN OF GREENWICH

A regular Representative Town Meeting of the Town of Greenwich will be held in the auditorium of Central Middle School on Monday, **September 18, 2017** at 8:00 P. M. for the following purposes:

1. To consider and act upon the following resolution, postponed from the June 2017 meeting.

RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Inland Wetlands & Watercourses Agency for a term expiring 3/31/21.

ALAN ROSSI

Referred to Appointments Committee
Referred to Land Use Committee

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

The RTM resolves to adopt the following ordinance that protects the environment in the Town of Greenwich for the benefit and welfare of its residents, by banning single-use plastic bags (as defined), and encouraging reusable bags, and initiating a \$.25 fee for single-use paper bags.

August 9, 2017

ORDINANCE NO. XXXX
TOWN OF GREENWICH, CONNECTICUT
Reusable Checkout Bag Initiative

Whereas the Town Selectmen have the authority under Article XX of the Connecticut Constitution and The Town Greenwich Charter to regulate issues of solid waste, litter and pollution as a local concern; and,

WHEREAS, the use of all single-use checkout bags (plastic and paper) have severe environmental impacts, including greenhouse gas (GHG) emissions, litter, harm to wildlife, ground level ozone formation, atmospheric acidification, water consumption and solid waste generation; and

WHEREAS, there are approximately one hundred (100) business establishments herein in the Town of Greenwich, most of which provide single-use checkout bags to their customers; and

WHEREAS, many of these single-use checkout bags are made from fossil fuel based plastic or other material that does not readily decompose; and

WHEREAS, approximately nine hundred fifty million (950 million) single-use plastic bags are used annually in Connecticut but less than 5% are recycled; and

WHEREAS, numerous studies have documented the prevalence of single-use plastic check out bags littering the environment, blocking storm drains and fouling beaches; and

WHEREAS, the Town of Greenwich taxpayers must bear the brunt of the clean-up costs of this litter; and

WHEREAS, plastic bags are a significant source of marine debris and are hazardous to marine animals and birds which often confuse single-use plastic check out bags for a source of food resulting in injury and death to birds and marine animals; and

WHEREAS, the use of single-use paper bags results in greater (GHG) emissions, atmospheric acidification, water consumption, and ozone production than single-use plastic bags; and

WHEREAS, from an overall environmental and economic perspective, the best alternative to single-use check out bags is a shift to reusable bags.

WHEREAS, it is the Town's desire to conserve resources, reduce the amount of GHG emissions, waste, litter and marine pollution and to protect the public health and welfare including wildlife, all of which increase the quality of life for the Town's residents and visitors; and

WHEREAS, studies document that banning plastic bags and placing a mandatory charge on paper bags will dramatically reduce the use of both types of bags by 70% to 90%.

NOW THEREFORE, IT IS HEREBY ORDERED by the Town Selectmen of Greenwich, Connecticut, that Chapter XXX Article X of the Code of the Town of Greenwich be amended as follows:

Chapter XXX
SOLID WASTE

Article XXX
Reusable Checkout Bag Initiative

§ XXX-1. Purpose.

The purpose of this ordinance is to protect the environment in Greenwich for the benefit and welfare of its residents by encouraging the use of reusable checkout bags; by phasing out the use of single-use plastic bags and initiating a \$.25 fee for single-use paper bags.

§ XXX-2. Definitions.

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

- a) *Business Establishment* means any business or non-profit that sells or provides merchandise, goods, or materials, including, without limitation, clothing, food, or personal items of any kind, directly to a customer: includes, by way of example and not limitation, any grocery store, department store, hardware store, pharmacy, liquor store, restaurant, catering truck, convenience store, hospital, library, school, Town facility and vendor, including temporary ones at farmers markets, street fairs and school or Town sponsored events.
- b) *Checkout Bag* means a carryout bag used by the customer at the point of sale for the purpose of removing products purchased from business establishments. "Checkout bag" does not mean *Product Bag*.
- c) *Compostable Plastic Bag* means a plastic checkout bag that conforms to at least the minimum standards of California labeling law and meets current ASTM D6400 Standard Specifications for compost ability, is labeled as meeting the ASTM Standard by a recognized third-party independent verification entity, and is labeled "Compostable" on both sides of the bag either in green color lettering that is at least one inch in height or within a green color band at least one inch in height in order to be readily and easily identifiable.

- d) *Product Bag* means a single-use plastic or paper non checkout bag to include newspaper bags, door-hanger bags, laundry dry cleaning bags, bags sold in packages containing multiple bags intended for use as garbage, pet waste bags, yard waste bags, and bags that are used by consumers inside stores to: package bulk items such as fruit, vegetables, mushrooms, nuts, grains, candy; contain or wrap frozen foods, meat, or fish, whether packaged or not; contain or wrap flowers, potted plants or other items where dampness may be a problem; contain unwrapped prepared foods or bakery goods; contain pharmacy prescriptions; and safeguard public health during the transportation of hospital waste.
- e) *Reusable Checkout Bag* means a bag of cloth or other material with handles that is specifically designed and manufactured for long-term multiple reuse and meets all of the following requirements: 1) Is machine washable or made from a material that can be cleaned or disinfected, and 2) if made of film plastic, is a minimum of at least 6 mils thick and contains at least 30% post-consumer plastic content.
- f) *Single-Use Paper Bag* means a paper bag that contains a minimum of 40% post-consumer content and contains no old growth fiber.
- g) *Single-Use Plastic Bag* means any bag made from fossil fuels and is less than 6 mils thick.

§ XXX-3. Prohibited acts.

- a) Other than *reusable checkout bags*, as defined in this ordinance, no *business establishments* shall make available any *single-use plastic bags* (either complementary or for a fee).
- b) Nothing in this section shall preclude *business establishments* from making *reusable checkout bags* or *single-use paper bags*, as defined in this ordinance, available for sale to customers.
- c) No business establishment shall charge a fee or prevent a customer from using a bag of any kind that they have brought for the purposes of carrying goods from such *business establishments*.
- d) No *business establishment* shall distribute *single-use plastic bag*, as defined in this ordinance, at any Town facility, Town-managed concession, Town-sponsored nor, Town-permitted event unless otherwise permitted pursuant to this ordinance.

§ XXX-4. Single-Use Paper Bag Fee and Fee Exemptions.

a) **Fee:**

- 1. *Business establishments* shall charge a \$.25 fee for each *single-use paper bag*, as defined in this ordinance, provided to any customer. The \$.25 charge must be listed as a single line item on the customer's receipt and is not taxable to the customer.

- 2. All monies collected shall be retained by the *business establishment*.

b) **Fee Exemptions:**

1. The \$.25 fee does not apply to WIC, SNAP, and food stamp program transactions.
2. The \$.25 fee does not apply to *product bag* as defined in this ordinance.

§ XXX-5. Enforcement; violations and penalties.

- a) This ordinance shall be implemented, administered and enforced by the Department designee. All penalty fees collected shall be kept by designee to cover costs of the ordinance implementation, administration and enforcement.
- b) Upon being made aware of a potential violation of this chapter, the Department designee shall investigate and determine whether a violation has occurred.
- c) If the investigation confirms that a violation has occurred, then the Department designee shall give written notice to the *Business Establishment*, performing such violation that the violation is occurring and must stop.
- d) Such notice shall be in writing and may be served upon a person to whom it is directed either by delivering it personally to him or her or by posting same upon a conspicuous portion of the property and sending a copy of same by certified mail to the person to whom the notice is directed.
- e) *Business Establishment* performing the violation is responsible for confirming, in writing, that the violation has ceased to the Department designee within 14 days of receipt of the notice.
- f) A second violation after the fourteen-day response period of the first violation and within one year of the receipt of the confirmation that the violation had ceased shall incur a penalty of \$300.
- g) A third violation within one year of the second and any subsequent violations shall incur a penalty of \$500.
- h) Each occurrence of a violation after the first, and each day that such violation continues, shall constitute a separate violation and may be cited as such.

§ XXX-6. Appeals.

Any violation charged under this article may be appealed, in writing, to the Department designee within 14 days of receipt of a written notice of violation. Department designee may waive the individual violation or the requirements of this article on showing of good cause or undue hardship

This ordinance shall take effect on ~~XXX~~ X, 2017 to give the business community ample time to plan for any changes.

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

Whereas the Appointments Committee of the Representative Town Meeting of the Town of Greenwich, CT seeks to more effectively manage and execute the responsibilities assigned the RTM for making appointments and nominations; and ...

Whereas this same committee seeks to more effectively manage and execute its responsibilities to advise the RTM with respect to all other appointments which come before the RTM;

Be it resolved that Sec. 2-17. - Membership; number; appointment of CHAPTER 2.

ADMINISTRATION ARTICLE 4. - FLOOD AND EROSION CONTROL BOARD of the Code of Ordinances of the Town shall be amended by replacing said Section 2-17 with the following:

Sec. 2-17- Membership; number; appointment.

Composition

The Flood and Erosion Control Board shall consist of five (5) regular members.

In addition to five (5) regular members, the Board shall also include two (2) alternate members.

Eligibility

Members shall be resident electors of the Town of Greenwich or as designated in Section 45 “Flood and Erosion Control Board” of Article 4 “Flood and Erosion Control Board” of the Charter of the Town of Greenwich.

Appointment Process

Four (4) regular members and the two (2) alternate members shall be appointed by the Representative Town Meeting. The fifth regular member of the Board shall be the First Selectman of the Town. 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.

Establishment of Unique Designations

Each of the (six) 6 appointed positions on this Board are 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.

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.

Length and types of terms

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 and R4, as designated in subsection f, “Designation of Board Positions”

Three (3) types of terms are utilized 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.1) below, to accomplish a staggering of the term expiration years of the Board positions for the purpose limiting the scheduled of turnover Board members in a single year and minimizing risk to Board continuity.

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 agenda and the minutes of

the Representative Town Meeting, the committees of the Representative Town Meeting and, where appropriate, the agenda and minutes of the Board of Selectmen.

Effective January 1, 2018, current terms shall expire on October 31 and commence on November 1 according to the designations in subsection(f.1).

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 their current appointment was scheduled to expire.

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

Designation of Board Positions

The positions for the four (4) appointed regular members shall be designated positions R1 through R4 and the positions for the two (2) appointed alternate members shall be designated positions A1 and A2. These terms for these positions are defined as follows:

(R1): The current term for regular member (R1) shall expire October 31, 2020. Terms thereafter shall be for a period of four (4) years.

(R2): The current term for regular member (R2) shall expire October 31, 2021. Terms thereafter shall be for a period of four (4) years.

(R3): The current term for regular member (R3), shall expire October 31, 2021. The next appointment will be to a one-year (1-year) interim term which will expire October 31, 2022. Terms thereafter shall be for a period of four (4) years.

(R4): The current term for regular member (R4) shall expire October 31, 2020. The next appointment will be to a three-year (3-year) interim term which will expire October 31, 2023. Terms thereafter shall be for a period of four (4) years.

(A1): The current term for alternate member (A1) shall 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, 2019. Terms thereafter shall be for a period of four (4) years.

Seating of Alternate Members

If a member of said Board is absent or disqualified, the Chairman of the Board 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.

The alternate members of the Flood and Erosion Control Board shall, when seated, have all the powers and duties set forth for such Board and its members.

Referred to Appointments Committee

Referred to Land Use Committee

Referred to Public Works Committee

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

Whereas the Representative Town Meeting has amended the charter to established unique position designations for members and alternate of THE FLOOD AND EROSION CONTROL BOARD and ...

Whereas it has been established by action of the Representative Town Meeting that positions on THE FLOOD AND EROSION CONTROL BOARD have been assigned unique position designations and ...

Whereas, when appointing a new member to this Board,

Be it resolved that,

The unique position designations previously established shall be assigned to the current members of THE FLOOD AND EROSION CONTROL BOARD according to the schedule below and ...

Any new member appointed in the future to the THE FLOOD AND EROSION CONTROL BOARD will receive the position designation 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 agenda and the minutes of the Representative Town Meeting, the committees of the Representative Town Meeting and, where appropriate, the agenda and the minutes of the Board of Selectmen.

Schedule of Flood and Erosion Control Board Position Designations	
Designation	Name
R1	Edward Schmeltz
R2	John Stankunas
R3	Peter Finkbeiner
R4	Aubrey Mead
A1	Robert Cenci
A2	currently vacant, previously held by Mark Weller

Referred to Appointments Committee

Referred to Land Use Committee

Referred to Public Works Committee

5. To consider and act upon the following resolution.

WHEREAS, the Town entered into a Management Agreement with the Bruce Museum, Inc. (BMI) on January 31, 1992, which designated and appointed BMI to supervise, operate and manage the Museum and administer its affairs;

WHEREAS, said Management Agreement was amended on November 2, 2016;

NOW, THEREFORE, BE IT RESOLVED THAT, the First Selectman is authorized to execute the Second Amendment to Bruce Museum Management Agreement which amends the definition of “plans” to include reorganization of the existing facility and construction of an integrated addition, clarify overflow parking procedures, and more specifically define the maintenance obligations of the Town and BMI.

Referred to Education Committee
Referred to Finance Committee
Referred to Legislative & Rules Committee

6. To consider and act upon the following resolution.

RESOLVED, that the following named person, nominated by the Board of Selectmen, be reappointed as a member of the Parks and Recreation Commission, for a term expiring March 31, 2019.

THOMAS McGARRITY

Referred to Appointments Committee
Referred to Parks & Recreation Committee

7. To consider and act upon the following resolution.

RESOLVED, that the following named person, nominated by the Board of Selectmen, be reappointed a member of the Historic District Commission, for a term expiring March 31, 2022.

MARIE WILLIAMS

Referred to Appointments Committee
Referred to Land Use Committee

8. To consider and act upon the following resolution.

RESOLVED, that the Representative Town Meeting approves Municipal Improvement PLPZ 2017 00048, Bruce Museum Expansion, which was referred to the RTM by Robert A. Simms under Section 100 of the Town Charter.

Referred to Education Committee
Referred to Finance Committee
Referred to Land Use Committee
Referred to Legislative & Rules Committee

Dated at Greenwich, Ct
September 5, 2017

THOMAS J. BYRNE
MODERATOR
CARMELLA C. BUDKINS
TOWN CLERK