



REPRESENTATIVE TOWN MEETING TOWN OF GREENWICH

EXPLANATORY COMMENTS FOR JUNE 2017 MEETING

ITEM NO: **1** (postponed from April 2017 meeting)
DEPARTMENT: Office of the First Selectman
CONTACT: Barbara Heins – 203-622-7702 – Barbara.Heins@greenwichct.org
REFERRED TO: ***Appointments, Parks & Recreation Committees***
VOTES: Board of Selectmen 3-0-0

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, 2020.

SCOTT JOHNSON

EXPLANATORY COMMENTS

Scott Johnson, of 81 Howard Road, Greenwich, CT 06831, has been re-nominated as a member of the Parks and Recreation Commission, for a term expiring March 31, 2020.

Mr. Johnson has served as a member of the Commission since 1996. He has been a partner with the law firm of Johnson & Hogeman since 2002. In addition to serving on the Parks and Recreation Commission, his community activities include serving on the Greenwich Selectmen's Committee on Town Properties and Open Space; the Greenwich Youth Lacrosse, the Old Greenwich Yacht Club, the Selectmen's Committee on Artificial Turf Fields and Field Users and the subcommittee on Coastal Zone Management Plan.

Mr. Johnson has lived in Greenwich for 50 years. He is a Magna Cum Laude graduate of Cornell University and earned a J.D. in Environmental Law from Vermont Law School.

ITEM NO: **2** (postponed from the April 2017 meeting)
DEPARTMENT: Office of the First Selectman
CONTACT: Barbara Heins – 203-622-7702 – Barbara.Heins@greenwichct.org
REFERRED TO: ***Appointments & Town Services Committees***
VOTES: Board of Selectmen 3-0-0

RESOLVED, that the following named person, nominated by the Board of Selectmen, be reappointed a member of the Board of Ethics, for a term expiring March 31, 2020.

ROBERT SISCA

EXPLANATORY COMMENTS

Robert Sisca, of 40 Nutmeg Drive, Greenwich, CT 06831, has been nominated as a member of the Board of Ethics, for a term expiring March 31, 2020.

Mr. Sisca, a Town resident since 1967, has served on the Board of Ethics since 2010. He has previously volunteered as a member of the Inland Wetlands & Watercourses Agency; is a board member and past president of the Greenwich Old Timers Athletic Association; and is a member of the Knights of Columbus and the Northwest Greenwich Association. He also is pro-bono counsel for several organizations including the Gateway Youth Football league.

Mr. Sisca is a graduate of Keene State College; earned a Master's in Political Management from George Washington University and his Juris Doctor degree from New York Law School. Since 2000, he has been a self-employed attorney and is legal counsel to the Round Hill Title Insurance Company.

ITEM NO.: **3**
DEPARTMENT: Board of Education
CONTACT: Vivian Conner 625-1374 Vivian_Conner@greenwich.k12.ct.us
REFERRED TO: **Education Committee**
VOTES: Board of Education 8-0 (March 23, 2017)
BET Budget Committee vote (April 17, 2017)

RESOLVED, that the Town of Greenwich/Board of Education accept a grant for \$13,500 from the Asia Society for “Confucius Classroom” which provides assistance in identifying and developing a partnership with a school in China organized by the Asia of Society. Said amount be and hereby appropriated to the following:

- F6071641- 53100 \$12,500 - Teaching Supplies
- F6071641 - 52100 \$ 1,000 - Travel Expenses

EXPLANATORY COMMENT

The Asia Society Confucius Classrooms Network is an international partnership between Hanban (colloquial abbreviation for the Chinese National Office for Teaching Chinese as a Foreign Language) and Asia Society, dedicated to building the field of Chinese language teaching and learning in American schools. Greenwich High School was originally honored in 2016-2017 when chosen as one of the 100 schools chosen in the US as a Confucius Classroom site. As a member of the Network, we have been recognized for our strong potential to lead the development of the field of Chinese teaching and learning and international education into the future. Our selection was based on our achievements in the following areas: (1) curriculum and instruction; (2) integration and culture; (3) leadership; (4) partnerships.

As part of participation in the program, Asia Society has offered Greenwich High School a cash award in the amount of \$12,500 to be used as described in our grant application as follows:

- Software
- Art, film, classroom cultural authentic teaching aids
- Field trips
- Support for China Club Activities

- Community speakers and artists' presentations
- Festivities and celebrations for Chinese classes
- Supplies for classroom projects

An additional \$1,000 is offered as a subsidy for travel, hotel and conference registration to the 2017 National Chinese language conference for teachers and administrators.

The total grant is therefore \$13,500.

In addition to the financial support offered by the Asia Society, they offer the following: participation in professional development with other high quality programs from across the nation, organized by the Asia Society; authorization to use the title "Confucius Classroom;" assistance in identifying and developing partnership with a school in China.

ITEM NO.: **4**
 DEPARTMENT: Office of the First Selectman
 CONTACT: Princess A. Erfe 622-3796 perfe@greenwichct.org
 REFERRED TO: ***Finance, Health & Human Services Committees***
 VOTES: Board of Selectmen (05/11/2017) 3-0-0

RESOLVED, pursuant to State Public Act No. 95-268, an Act concerning Neighborhood Assistance, the programs and complete applications filed in the Town Clerk's office are hereby approved for the purpose of encouraging business contributions to non-profit organizations and government agencies providing important services in Greenwich.

EXPLANATORY COMMENTS

The Connecticut Neighborhood Assistance Act (NAA) Tax Credit Program is designed to provide funding for municipal and tax exempt organizations by providing a corporation business tax credit to business firms that make cash contributions or investments to qualifying community programs. The following are examples of types of programs that qualify for the NAA tax credit:

- energy conservation projects;
- neighborhood assistance;
- employment and job training;
- education programs;
- community services;
- crime prevention;
- construction or rehabilitation of dwelling units for low and moderate income families;
- donation of money to an open space acquisition fund;
- child day care facilities;
- child care services;
- employment and training programs directed at handicapped persons;
- community-based alcoholism prevention or treatment; or

- any other program which serves a group of individuals where at least 75% of the individuals are at an income not exceeding 150% of the poverty level for the year immediately preceding the year during which the tax credit is to be granted.

The NAA Program requires that the community programs must be approved by both the municipality in which the programs are conducted and by the Department of Revenue Services (DRS). The governing body of the municipality must vote to approve the programs. Copies of the public hearing notice and minutes of the meeting approving the programs must be submitted by the municipality to DRS with the approved program proposals no later than July 1, 2017.

To meet this requirement, the 2017 CT NAA program applications/proposals were reviewed and approved by the Board of Selectmen during their May 11, 2017 meeting. Following the BOS approval, the 2017 CT NAA program applications/proposals will be on the agenda for the RTM June 12, 2017 meeting.

There were a total of four (4) applications/proposals submitted for consideration. Following is summary of the applications/proposals:

1. YWCA Greenwich, Connecticut, Inc.
Domestic Abuse Services – \$100,000
2. Kids in Crisis, Inc.
Safe Haven for Kids – \$150,000
3. YMCA of Greenwich, Inc.
Energy Efficient Window Replacement – \$150,000
4. Child Guidance Center of Southern Connecticut
Mobile Crisis Intervention Services – \$60,000

Below is the timeline/schedule pertaining to the 2017 CT NAA Program:

- On March 31, 2017 – the public notice for the 2017 NAA Program Application/Proposal availability was posted on the Town's website
- On March 31, 2017 – the CDBG Office notified (via email) non-profit organizations/agencies as to the availability of the 2017 NAA Program applications/proposals
- May 11, 2017 – During the regular meeting of the Board of Selectmen, a public hearing was held to solicit comments on the 2017 CT NAA proposals. The Board of Selectmen unanimously approved (3-0-0) all eight applications/proposals submitted.
- June 12, 2017 – The 2017 CT NAA proposals will be reviewed for approval by the RTM.

- July 1, 2017 – Documentation including copies of the public hearing notices and minutes of all the meetings held in approving the proposed programs are due to CT DRS.
- August 2017 – CT DRS will notify the Town’s designated NAA liaison of the programs that have been approved. The liaison will then inform the participating organizations of the approval.
- September 15th to October 1st 2017 – Business firms must submit completed NAA 2017 Business Application (Form NAA-02) for each approved program that will be sponsored.

Attachments

Copies of the completed applications/proposals for the 2017 CT NAA Program are on file in the Town Clerk’s office.

ITEM NO: **5**
 DEPARTMENT: Law Department
 CONTACT: John Wayne Fox, Town Attorney (contact’s phone # 203-622-7876)
 REFERRED TO: ***Finance, Legislative & Rules Committees***
 VOTES:

RESOLVED, that the sum of \$200,000 be and the same is hereby appropriated to be added to Account Number A140-51400, Professional and Other Special Services – Attorneys.

EXPLANATORY COMMENTS

This request is for an additional appropriation of \$200,000 to meet attorneys’ fees for outside counsel through the end of the fiscal year.

In 2016 Eversource filed an application before the Siting Council of the State of Connecticut to allow powerlines to go directly through and under various sections of Bruce Park. At the very end of that fiscal year a decision was made to challenge that request. In a rather unusual decision the Siting Council agreed with the Town and denied the application through the park.

The Siting Council directed Eversource to review other possible approaches and to work with the Town to come up with a mutually acceptable approach. After several meetings with Eversource, it filed a request with the Siting Council for reconsideration of its prior application. This was not anticipated. This request was filed in May of this year. An initial hearing is set for May 18, 2017 with subsequent hearings to follow.

In the past we have worked with outside counsel specialized in this field. While incurring significant expense, the result was favorable and the expense worthwhile. It is anticipated that the request for reconsideration will be granted. It is anticipated that this decision will necessitate evidentiary hearings, briefings and oral argument. It is anticipated that the minimum expenditures will be at or above the costs previously incurred. It is anticipated that this could be required in the current fiscal year.

In addition to the above, over the last year to year and a half, the Law Department suffered significant illness resulting in three of our lawyers and one staff person being out for a

significant period of time. This resulted in the necessity of spending more money on outside counsel than was anticipated.

ITEM NO: **6**
DEPARTMENT: n/s
CONTACT: Robert K. Brady 203.253.9599 robertbrady541@gmail.com
REFERRED TO: ***Education, Land Use, Legislative & Rules Committees***
VOTES: n/a

RESOLVED, that the Representative Town Meeting approve the Bruce Museum MI Application PLPZ 2017 00047

EXPLANATORY COMMENTS

WHEREAS Charter Sec. 99 provides that, "... no action, other than making of studies or surveys, shall be taken by any Town Agency, ... involving ... major redesign of public real property ... until such proposal has been submitted to and approved by the (Planning & Zoning) Commission or has been approved by the Representative Town Meeting as herein provided", and

WHEREAS Charter Sec. 100(b) provides that if the Commission defers a proposal, a person owning property within the Town, may refer such proposal to the Representative Town Meeting which has the power to accept or reject the proposal, and

WHEREAS at its May 2, 2017, meeting, the Planning and Zoning Commission voted 5/0 to defer action on the Bruce Museum's MI Application PLPZ 2017 00047 requesting a municipal improvement to approve the lease agreement between the State of Connecticut and the Town of Greenwich and the Bruce Museum for use of approximately 14,970 sq. ft. land on the Southeasterly side of Interstate Route 95 to be used for motor vehicle parking and landscaping associated with Bruce Park and the Bruce Museum located at 1 Museum Drive in the R-6 zone, and

WHEREAS Robert K. Brady is a property owner within the Town referred this deferral to the Representative Town Meeting;

NOW BE IT RESOLVED, that the Representative Town Meeting approve the Bruce Museum MI Application PLPZ 2017 00047.

ATTACHMENTS

Separate enclosure

ITEM NO: **7**
DEPARTMENT: n/s
CONTACT: Robert K. Brady 203.253.9599 robertbrady541@gmail.com
REFERRED TO: ***Education, Land Use and Legislative & Rules Committees***
VOTES: n/a

RESOLVED, that the Representative Town Meeting approve the Bruce Museum MI Application PLPZ 2017 00048

EXPLANATORY COMMENTS

WHEREAS Charter Sec. 99 provides that, "... no action, other than making of studies or surveys, shall be taken by any Town Agency, ... involving ... major redesign of public real property ... until such proposal has been submitted to and approved by the (Planning & Zoning) Commission or has been approved by the Representative Town Meeting as herein provided", and

WHEREAS Charter Sec. 100(b) provides that if the Commission defers a proposal, a person owning property within the Town, may refer such proposal to the Representative Town Meeting which has the power to accept or reject the proposal, and

WHEREAS at its May 2, 2017, meeting, the Planning and Zoning Commission voted 5/0 to defer action on the Bruce Museum's MI Application PLPZ 2017 00048 requesting a municipal improvement to expand and make improvements to the Bruce Museum per the Town Charter and located at 1 Museum Drive in the R-6 zone, and

WHEREAS Robert K. Brady is a property owner within the Town referred this deferral to the Representative Town Meeting;

NOW BE IT RESOLVED, that the Representative Town Meeting approve the Bruce Museum MI Application PLPZ 2017 00048.

ATTACHMENTS

Separate enclosure

ITEM NO.: **8**

DEPARTMENT: OFFICE OF THE FIRST SELECTMEN

CONTACT: Ben Branyan, Town Administrator: (203)622-2208

bbranyanl@greenwichct.org

Joseph Siciliano, Director of Parks and Recreation: (203) 622-6472

jsiciliano@greenwichct.org

Abby Wadler, Assistant Town Attorney: (203) 618-7618

awadler@greenwichct.org

REFERRED TO: **Finance, Legislative & Rules, Parks & Recreation Committees**

VOTES:

RESOLVED, that the RTM approves the renewal of the lease with the Greenwich Garden Education Center for a part of the building known as the New North Greenhouse a/k/a Horticultural Building and the West Wing of the former mansion owned by the Town and located within the Montgomery Pinetum Park.

EXPLANATORY COMMENTS

The Greenwich Garden Education Center (GEC) is a non-profit volunteer organization whose mission is to promote horticulture, conservation and the arts through educational programs, outreach activities, and special events.

Now in their 60th year of operation, the GEC continues to offer an informative selection of workshops, trips and lectures in horticulture, floral design and conservation for all skill levels, including professionals seeking Landscape Architecture Continuing Education System (LACES) credits. Each of these programs is taught by esteemed professionals in their respective fields.

The public's financial support has allowed this organization to enhance the community's appreciation and enjoyment of nature through horticulture, conservation and the arts since 1957. The GEC does not receive any funding from government sources. Income is comprised of membership and program fees, special events such as the Annual May Gardener's Market and the Annual Greenwich Garden Tour, as well as their Annual Fund.

The Town has had a lease with GEC since 1957. The building is located at 130 Bible Street, Cos Cob. GEC's current lease with the Town was for a term from 1997 to the 2007. The original 1997 lease contained two renewal terms of ten years each. The first option for a renewal term was exercised, extending the lease from October 1, 2007 to September 30, 2017. Because of the change noted below, a new lease is being offered at this time. This new lease is for the term of October 1, 2017-September 30, 2027. The lease contains one ten year renewal term of October 1, 2027 to September 30, 2037.

The lease remains the same except for an additional provision permitting subletting. Any proposal to sublet is subject to the approval of the Board of Selectmen. This approval may contain certain conditions including additional insurance requirements and Municipal Improvement approval. Currently, it is GEC's intention to request that a portion of the premises be sublet to the Greenwich Tree Conservancy.

ATTACHMENTS: LEASE - separate packet

ITEM NO.:	9
DEPARTMENT:	Parks and Recreation 1706PR01
CONTACT:	Joseph Siciliano 203.622.6472 jsiciliano@greenwichct.org Susan Snyder 203.622.6471 ssnyder@greenwichct.org
REFERRED TO:	Parks & Recreation Committee
VOTES:	N/A

RESOLVED, that the Town of Greenwich accept the gift of a new audio system from the Greenwich Athletic Association to be installed at the Dorothy Hamill Rink located at 14 Sherman Ave., Greenwich. The value of the new audio system including installation is \$10,458.00.

EXPLANATORY COMMENTS

The current audio system at the Dorothy Hamill Rink is approximately 20 years old and at the end of its useful life.

The Greenwich Athletic Foundation has secured all of the funding necessary to purchase and install a new audio system at the Dorothy Hamill Rink. No future maintenance is needed by the Town to operate the new system. A detailed estimate and cut sheets for the system are attached.

The Town of Greenwich Department of Parks and Recreation wishes to acknowledge and thank the Greenwich Athletic Association for identifying the need for and generously supplying the funding for this new audio system at the Dorothy Hamill Rink.

ATTACHMENTS

Estimates and Cut Sheets as follows:



1 Hunter Ave.
Armonk, NY 10504

Proposal

Date	Estimate #
5/18/2017	4413

Name / Address
Richard Fulton

Phone # 914.765.0461
Fax # 914.219.5468
sales@soundworksny.com
soundworksny.com

Qty	Item	Description	Cost	Total
1	Materials	SP840A Octasound Central Speaker OS2X12 Subwoofer Octasound RAMX2 (X2) - Mic and Aux Input for Mp3, PC, IPOD (Timekeeper's location & Office) Hanging 3/8" Stainless Steel Wire Rope Kits Loop Loop ends. With 4 x Shackles 2 QSC GX7 Dual Channel 750W amplifier Optional RABX2 - Bluetooth and Aux Input for Mp3, PC, IPOD (Timekeeper's location) Furman Power Conditioner	6,597.00	6,597.00T
1	Misc. Install Materials	Installation Materials: Interconnects, digital interconnects, wire management plates, surge strips, terminations and connections as needed	150.00	150.00T
500	Binary 16/4 Speaker Wire	16-Gauge 4-Conductor 65-Strand CL2-Rated Speaker Wire	0.75	375.00T
1,000	CAT 6	High Speed Audio/Video & Network Cable	0.39	390.00T
6	Project Mgmt	Project Management: Scheduled site visits with other trades, architects, designers, cabinet makers, etc... Installation labor: By others Boom Lift rental 250-500	150.00	900.00T

As with all remodeling projects, unanticipated obstructions or routing conditions may arise during in field installation. Although some of this has been taken into consideration in developing this proposal, we reserve the right to adjust wiring and installation charges accordingly. We will make best efforts to minimize such up charges. Soundworks supports manufacturers warranties. If the equipment installed by Soundworks were to fail within 90 days, Soundworks will remove and re-install the equipment at no additional charge. Any service performed post 90 days is subject to a service charge of \$140 an hour. Loaners will be available if necessary. All proposals are subject to sales tax.

Subtotal	\$8,412.00
Sales Tax (7.375%)	\$620.39
Total	\$9,032.39

**MCMELLON J OROSS LLC
MCMELLON ELECTRIC LLC**

Matthew McMellon
360 Sniffens Lane
Stratford, Connecticut 06615
Telephone: (203) 377-2026
Cell Phone: (203) 395-4021
Fax: (203) 386-9500
E-Mail: mmmjo@optonline.net

Llc. 10-30-35

May 18, 2017

Lee Milazzo
Samuel Owen Gallery
46 Centre Street
Nantucket, MA 02554

Phone : 508-680-1445
Email: lee@samuelowen.com

Re: Dorothy Hamill Ice Rink – Audio Install
MC201735T

McMellon J Oross proposes as follows:

To install 110 volt outlets for speakers if needed. Support and assist speaker installers as needed.

Pull permit Fee	\$ 75.00
Permit Estimate	\$ 150.00
Material Budget	\$ 200.00
Labor	\$1000.00
1 Electrician	8 Hours
1 Apprentice	8 Hours

Total \$1,425.00 (plus tax)

Exceptions: Work to be done during regular working hours 7am – 5pm. Lift, speakers and speaker wire supplied by others.

Best regards,

Matthew McMellon
President/Owner

GREENWICH
ATHLETIC FOUNDATION
Supporting Local Athletics

Objective:

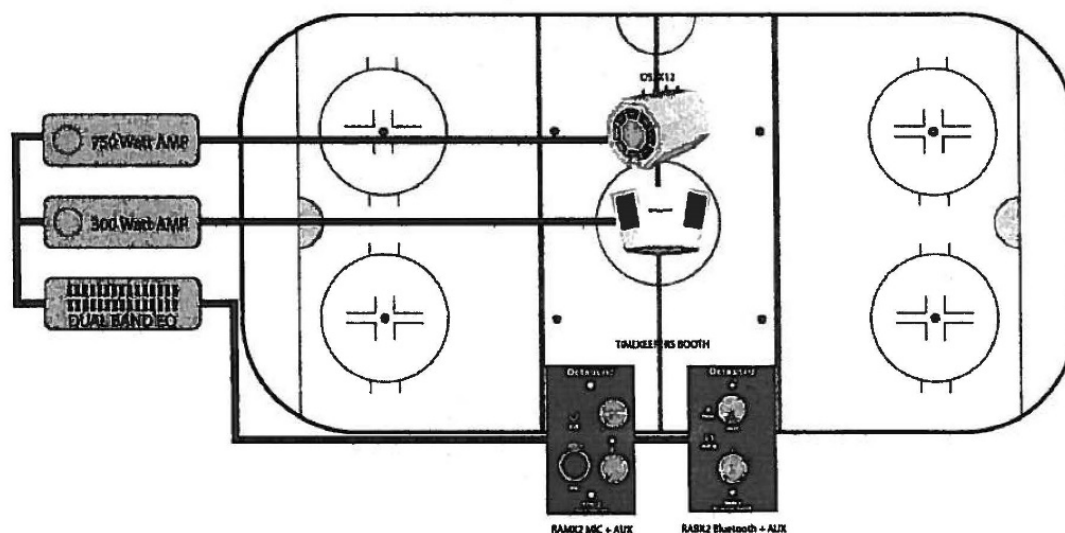
The Greenwich Athletic Foundation proposes a gift of new audio system to the Town of Greenwich to be installed at the Dorothy Hamill Rink located at 14 Sherman Ave, Greenwich, CT 06830

Funding:

The Greenwich Athletic Foundation has secured all the funding needed to purchase and install a new audio system at the Dorothy Hamill Rink. No future maintenance by the town is needed to operate this system. A detailed estimate for the audio system is on page 2 of this document.

Specifications:

The following is a detailed schematic showing the placement of the new audio system as advised by the product manufacturer. Cut sheets for each component can be found on subsequent pages.



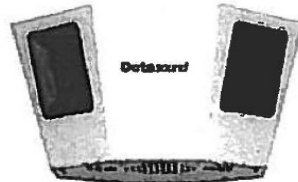
Greenwich Athletic Foundation, PO Box 1161, Greenwich, CT 06836 info@greenwichaf.com

GREENWICH
ATHLETIC FOUNDATION
Supporting Local Athletics



Octasound
SOUND ABOVE ALL

DATA SHEET



SP840A CENTRAL SPEAKER SYSTEM

FULL FIDELITY - FOR BOTH VOICE AND MUSIC

Full range (30 Hz to 20 kHz) designed for central location.
Tuned port enclosure with a high-efficiency 15" woofer matched to four compression horns and drivers.
Small size and low weight for convenient installation and low shipping cost

BUILT TO LAST

High impact polyurethane finish
New impact resistant HDPE grille
Stainless Steel hardware, screws and bolt assemblies

HIGH SENSITIVITY - 106 dB/W/m

Extremely efficient - rated at 106 dB/W/m
Produces high SPLs with low amplifier power
Maximum SPL - 130dB with 300 W RMS input.

HIGH POWER HANDLING - 350 W RMS / 700 W PEAK

Handles input power of 350 watts RMS
Built-in, self-resetting polyswitch protective circuit protects high frequency drivers
from excessive power and distorted inputs (> 10% THD)

WIDE COVERAGE AREA - 360° X 180°

Covers 360° Horizontally by 180° Vertically
Wide dispersion characteristics enable a single SP840A to cover a large area.

COMPACT SIZE - 16 INCHES HIGH / 105 LBS

The Octasound SP840A is only 16 inches (40.6 cm) high and weighs just 105 lbs (47.2 kg).
Can be installed in low ceiling areas and close to lights without casting significant shadows.
Low weight permits suspension using readily available hardware such as closed link chains, wire rope etc.
Small size and low weight enables convenient installation and low shipping cost

TECHNICAL SPECIFICATIONS

Frequency Response: 30 Hz to 20 kHz $\pm$ 10 dB (on axis); 40 Hz to 12 kHz $\pm$ 6 dB (on axis)
Optimum Power: 50 to 300 W RMS total
Power Handling: 350 W RMS total, 700 W peak, (THD less than 10%)
Impedance: 8 ohms nominal
Dispersion: 360° Horizontal, 180° Vertical $\pm$ 6 dB 100 Hz to 10 kHz
Sensitivity: 106 dB/W/m on axis, pink noise 100 Hz to 10 kHz averaged
Maximum SPL: 130 dB RMS / 133 dB Peak at 1 meter

For more detailed info contact:
KDM Electronics www.octasound.com info@octasound.com 1-800-567-6282
55 Mills Road, Ajax, ON L1S 2H2



Greenwich Athletic Foundation, PO Box 1161, Greenwich, CT 06836 Info@greenwichaf.com

ITEM NO: **10**
DEPARTMENT: Office of the First Selectman
CONTACT: Barbara Heins 203-622-7702 – Barbara.Heins@greenwichct.org
REFERRED TO: **Appointments, Land Use Committees**
VOTES: Board of Selectmen 3-0-0

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

EXPLANATORY COMMENTS

Alan Rossi, of 36 Oak St., Greenwich, 06831, has been nominated to be a full member of the Inland Wetlands & Watercourses Agency for a term expiring 3/31/21.

Mr. Rossi is a management consultant in business policy, strategic planning, marketing, operations management, mergers and acquisitions, as well as an advisor to private equity partnerships and to social enterprises focused on sustainable economic development and social justice. Since 2006 he has been associated as a managing director of Consultel, LTD in Greenwich. His work has provided him involvement in agriculture where he has learned of the key importance of water and water management in a community's quality of life.

Mr. Rossi earned a bachelor's degree (with honors) and a master's degree (with distinction) in electrical engineering from Purdue University. He also studied financial management at the Wharton School at the University of Pennsylvania and received a master's degree in business management from the Imperial College of the University of London. He has lived in Greenwich since 1982.

ITEM NO: **11**
DEPARTMENT: Office of the First Selectman
CONTACT: Barbara Heins 203-622-7702 – Barbara.Heins@greenwichct.org
REFERRED TO: **Appointments, Town Services Committees**
VOTES: Board of Selectmen 3-0-0

RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Alarm Appeal Board for a term expiring 3/31/21.

JOSEPH HAVRANEK

EXPLANATORY COMMENTS

Joseph Havranek, of 18 Circle Dr., Greenwich, 06830, has been nominated to be a full member of the Alarm Appeal Board for a term expiring 3/31/21.

Mr. Havranek is a retired Greenwich Police Officer who served the Town for 20 years. While a police officer, who served as a member of the Department's Police Honor Guard. He also has served as a volunteer police officer for 20 years.

Mr. Havranek earned an associate degree in Civil Engineering and a bachelor's in Business from Pace University. He has lived in Greenwich since 1969. He is a member of Veterans Post 911 and the Redmen Association.

ITEM NO: **12**
ORIGINATOR: Greenwich Conservation Advocates 1706RT01
CONTACT: Marija Mikolajczak 917-683-6062
GreenwichConservationAdvocates@gmail.com
REFERRED TO: **Land Use, Legislative & Rules Committees**
VOTES: N/A

**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. As used in this Ordinance and from CGS 22a-220 (g), “collector” means any person who holds himself out for hire to collect solid waste on a regular basis from residential, business, commercial or other establishments.
9. As used in this Ordinance, the term Town shall mean the 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 by 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.

EXPLANATORY COMMENTS

In 2014, PA 14-200-An Act Prohibiting the Storage or Disposal of Fracking Waste in Connecticut- was passed, creating a temporary moratorium and mandate that the DEEP submit regulations for review between July 1, 2017 and July 1, 2018.

The title of the law referred to "fracking", which is generally used as a nickname to refer to the entire lifecycle of developing natural gas and oil, and includes multiple processes: building a large well pad, drilling multiple wells on-site, pumping these wells with fluid-a process technically referred to as "hydraulic fracturing", producing and then treating the gas before sending it through pipes for use. But the definition of the waste within the law only included any substances "used or generated secondarily to" the hydraulic fracturing process for gas wells. This leaves many loopholes for other wastes produced during the entire lifecycle of natural gas and oil extraction, and the amount of these toxic and radioactive wastes are enormous.

The drilling process alone has produced hundreds of thousands of tons of toxic solid waste in a single year in Pennsylvania. Also, the gas production process has produced hundreds of millions to over a billion gallons of toxic brine in a single year in PA. Re-use of the solid wastes as fill product and salts from the liquid brine puts towns at risk for potential chemical and radioactive contamination, along with other naturally-occurring toxins, that commonly exist in these wastes.

Only a few states allow these wastes to be re-used. Pennsylvania recently stopped issuing new permits for re-using drill cuttings, or earth removed from the ground during the drilling process, citing "lack of transparency". Drillers and waste handlers in PA are currently shipping wastes to at least eight states across the country, and may be seeking new delivery points for the solid wastes no longer allowed for re-use within PA. It is unlikely that PA will have the resources for testing or require remediation of all potentially contaminated sites where this waste by-product has been used for five years.

These waste loopholes also exist in House Bill 6329 An Act Concerning Hydraulic Fracturing Waste in Connecticut. Note the title of House Bill 6329 has changed from PA14-200, where the word "fracking" has been replaced by the technical term "hydraulic fracturing".

This bill needs to pass, as regulating waste from the hydraulic fracturing process and bringing it into CT has never been an adequate option, and the mandate for the DEEP to do this needs to change. There is too much risk for accidents, leaks, spills, run-off, leaching, inadequate treatment followed by discharge to occur, resulting in contamination and need for costly remediation in CT.

Due to the lack of state policy or law concerning all wastes being produced during natural gas and oil extraction activities in nearby PA and NY, towns across CT are passing local ordinances banning all wastes. The first town to pass an ordinance was Washington, which copied the state language. Sixteen additional towns have used model language developed by the legal counsel for Riverkeeper. This language was first passed into law in 2014 in NY.

Several more CT towns are planning to vote on ordinances using this same language before the end of June. There is interest or active organizing by residents, or championing by town leaders to pass ordinances using the same language in over 40 CT towns.

Though House Bill 6329 has passed the House and awaits Senate passage, this good first step by the State is not comprehensive or adequate protection for CT towns.

Greenwich Conservation Advocates, a new citizen's committee formed to address water issues, are proposing the RTM pass the attached ordinance.

ATTACHMENTS: separate packet

Backup material

Petition pages