



REPRESENTATIVE TOWN MEETING
TOWN OF GREENWICH

EXPLANATORY COMMENTS FOR
MARCH 2018 MEETING

ITEM NO: **1**
DEPARTMENT: Board of Selectmen; Board of Human Services
CONTACT: Valerie Maze Keeney, Assistant Town Attorney
vmazekeeney@greenwichct.org (203-622-7876);
Dr. Alan Barry, Commissioner, Alan.Barry@greenwichct.org (203-722-7780)
REFERRED TO: *Health & Human Services and Legislative & Rules Committees*
VOTES:

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

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

- (a) The term "Human Services" within the scope of this Section and Section 63 means services provided to improve the welfare of the community through supporting vulnerable residents and low-income residents in meeting basic human needs (housing, food, clothing, personal safety and health care) and fostering self-sufficiency.
- (b) There shall be a Department of Human Services under the direction and control of the Board of Human Services. The Board of Human Services shall have the power to appoint and remove the Commissioner of Human Services. The Board of Human Services may appoint an Acting Commissioner of Human Services and/or a Deputy Commissioner of Human Services.

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

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

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

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

[(c)] (e) Appointment Process

1. Members shall be nominated by the Board of Selectmen and appointed by the Representative Town Meeting.
2. Vacancies in the membership of the Board shall be filled for the unexpired portion of a term in the same manner as regular and alternate appointments.

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

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

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

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

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

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

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

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

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

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

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

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

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

(additions underlined; deletions within [brackets])

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

- (a) Except where otherwise mandated by state or federal law with respect to nursing homes, the Commissioner of Human Services shall, subject to the direction and control of the Board of Human Services, have full charge of the human services of the Town and shall also have such powers and duties as are now or shall hereafter be conferred and imposed by law upon the Selectmen or any other administrative agency of the Town relative to minors, mentally ill persons, [children born out of wedlock] indigent or incapable persons, and persons addicted to the use of [intoxicating liquors and drugs] alcohol and/or other substances including, without limitation, assisting with and/or making applications of the appointment of conservators for incapable persons, and applications for the commitment of mentally ill persons [for the removal of a parent as natural guardian of a minor and for the adoption of a minor].
- (b) Wherever copies of any papers relative to such matters shall by law be served on the Selectmen of the Town or one (1) of them, service shall instead be made on the Commissioner of Human Services. No bill against the Town relating to human services or to the support of indigent persons of the Town shall be paid by the Town until it has been approved and certified as correct by the Commissioner of Human Services.

- (c) The salary of the Commissioner of Human Services shall be fixed by the Town on the recommendation of the Board of Estimate and Taxation in the same manner as other appropriations are determined. In the absence or disability of the Commissioner of Human Services or if the office becomes vacant for any reason, the Deputy Commissioner of Human Services or Acting Commissioner of Human Services shall perform the duties and exercise the powers of the Commissioner of Human Services for a period not to exceed ninety (90) days or for such longer period as the Board of Human Services may determine. The salary of the Deputy Commissioner or Acting Commissioner of Human Services shall be fixed by the Town on the recommendation of the Board of Estimate and Taxation in the same manner as other appropriations are determined.

(additions underlined; deletions within [brackets])

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

EXPLANATORY COMMENTS

In March of 2017, the Town of Greenwich amended the Charter of the Town of Greenwich and the Municipal Code to reflect the name change of the department now known as the Department of Human Services. In January 2018, the substance of the current proposed amendments was submitted to the RTM (Item 5) and that Item was postponed. At the January 2018 meeting, among other things, the RTM voted separately on certain proposed amendments to Section 62 of the Charter (Item 14). The amendments to Section 62 made earlier in 2018 are reflected in the pending Item along with the additional amendments now proposed.

The current proposed amendments to Sections 62 and 63 of the Charter are intended to update the language describing the duties of the Department of Human Services. The term "Human Services" is defined in the proposed amendments to Section 62. With regard to the authority of the Board of Human Services in connection with appointments, by virtue of the amendments, the Board of Human Services also would have the power to appoint an Acting Commissioner of Human Services (in addition to the power to appoint a Deputy Commissioner of Human Services). A few technical corrections also are made.

ITEM NO: **2**
DEPARTMENT: First Selectman February 6, 2018
CONTACT: Alfred C. Cava 203-622-7716 acava@greenwichct.org
REFERRED TO: ***Education, Finance and Labor Contracts Committees***
VOTES: Board or commission name vote (y/n/a)

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

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

EXPLANATORY COMMENTS

The United Public Service Employees Union (UPSEU) represents 19 public health school nurses and 3 public health nurses assigned to the Department of Health. The collective bargaining agreement tentatively agreed to is a two-year agreement retroactive to July 1, 2017 and expiring on June 30, 2019. The parties commenced negotiations on April 6, 2017 and reached a tentative agreement on February 1, 2018.

The agreement provides for a 2.25% general wage increase effective retroactive to July 1, 2017 and a 1.5% general wage increase effective July 1, 2018. These general wage increases are identical to the general wage increase recently awarded to Teamsters Local 456 for the same years through the arbitration process.

During negotiations, UPSEU agreed to an interim agreement to migrate from the Town's medical insurance program to the State Partnership Plan effective July 1, 2017. The first year savings to the Town for this bargaining unit is \$148,165 which represents a reduction of 26.63% in Town medical insurance costs. We are projecting a 7% increase (\$27,492) in premiums for the State Partnership Plan effective July 1, 2018.

The cost of contract in the first year is a 3.99% reduction in costs and in the second year a 2.18% increase in costs. Over the two-year period of the contract the overall cost of contract decreases by \$49,126 or a negative 1.90%.

ATTACHMENTS

Cost of Contract

Comptroller's Letter Certifying Cost of Contract

Summary of Negotiated Changes

Relined Version of 2017- 2019 Collective Bargaining Agreement (online at www.greenwichct.org)

ITEM NO: **3**
DEPARTMENT: Board of Selectmen; Harbor Management Commission
CONTACTS: Bruce Angiolillo – Chairman, Harbor Management Commission
Email: bruce.ghmc@gmail.com; Phone: (917)622-0284
Lile Gibbons – Vice Chairman, Harbor Management Commission
Email: lilegl@aol.com; Phone: (203)637-0059
REFERRED TO: ***Finance, Legislative & Rules and Parks & Recreation Committees***
VOTES: Board of Selectmen (3-0)

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

EXPLANATORY COMMENTS:

At its meeting on October 23, 2017, the RTM approved the Greenwich Harbor Management Plan pursuant to Chapter 7A of the Town Code and Connecticut General Statutes §§ 22a-113k, et seq. The Harbor Management Commission has now proposed a mooring permit fee in the amount of Seventy-Five (\$75.00) Dollars. This is the same amount that had been authorized by the Board of Selectmen prior to the adoption of the Greenwich

Harbor Management Plan. The Harbor Management Commission now seeks your approval as provided in § 7A-7 of the Town Code, which states in relevant part as follows:

In accordance with the provisions of General Statutes § 22a-113s, the Greenwich Harbor Management Commission, pursuant to the Greenwich Harbor Management Plan, shall have the authority to propose a fee schedule for a permit for a mooring or anchorage or any other activity within the scope of the Greenwich Harbor Management Plan. Any such proposed fee schedule must be approved by the Greenwich Board of Selectmen and the Representative Town Meeting.

Town Code § 7A-7. Similarly, Connecticut General Statutes § 22a-113s states in relevant part as follows:

The commission may propose a fee schedule for a permit for a mooring or anchorage or any other activity within the scope of the plan to be adopted by vote of the legislative body of each town establishing the commission. The maximum annual fee for a mooring or anchorage shall be two hundred dollars.

Connecticut General Statutes § 22a-113s.

The proposed fee of Seventy-Five (\$75.00) Dollars was unanimously approved by the Board of Selectmen at its meeting on February 8, 2018. In order to take effect, it must be approved by the RTM.

ITEM NO: 4
DEPARTMENT: Appointments Committee
CONTACT: John Eddy 203-550-7122 rtm@johneddy.com
REFERRED TO: *Legislative & Rules Committee*
VOTES: 8/12

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

PATRICIA H. ROBERTS

EXPLANATORY COMMENTS

Patricia Roberts, of 9 Bramble Lane in Riverside, has served on the RTM since 2015.

Ms. Roberts has a background in sales and management professional in the reinsurance industry with broad-based competencies in Strategic Planning, Business Outsourcing, Business Development, Compliance Management & Staff Training Technical skills within reinsurance Industry. She has served on the Board of General Reinsurance Holding Company. She was also President and Chairman for Genesis Management Insurance Services, and President and Chairman for General Star Management Company. She is a Certified Property Casualty Underwriter.

She is currently serving as an alternate on the Claims Committee, having been appointed in 2016, and has served on the Inspiricia Board (Homeless Shelter in Stamford serving 300+ men women and children each

night) 2013 to present, and as Board Chair from 2014-2017, as well as the Greenwich Boy Scout Council Board 2013-2017

ITEM NO: **5**

DEPARTMENT: RTM Appointments Committee Date 02/12/2018
CONTACT: John Eddy 203-550-7122 john.eddy@greenwichct.org
REFERRED TO:*Legislative & Rules Committee*
VOTES: 12/12

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

FRANCIS “KIP” BURGWEGER

EXPLANATORY COMMENTS:

Francis J. (“Kip”) Burgweger, Jr., of 24 Cat Rock Road, Cos Cob, has served on the RTM since 2004.

Mr Burgweger is a retired attorney and was previously a partner, O’Melveny & Myers LLP. and was Captain, U.S. Army, Military Intelligence 1964 – 1967.

He has served on the RTM Claims Committee since 2007, and is currently the Vice Chairman of the Legislative and Rules Committee where his participation is legend. His contribution to the work of the Claims Committee is often in the areas of environmental law and zoning, where his focus is not only on limiting the financial exposure of the town, but arriving at a settlement that is fair to *all* parties.

Mr Burgweger serves on the Town Commission on Aging and Christ Church Greenwich Outreach. He is President-elect of Neighbor to Neighbor Inc., and serves on the of Board of Directors of Greenwich World Hunger Association and Greenwich United Way. He is current Committee Member and Former Scoutmaster of Troop 10, Boy Scouts of America, Cos Cob.

ITEM NO: **6**

DEPARTMENT: RTM Appointments Committee Date 02/12/2018
CONTACT: John Eddy 203-550-7122 john.eddy@greenwichct.org
REFERRED TO:*Legislative & Rules Committee*
VOTES: 11/12

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

EDWARD MANANGIELLO

EXPLANATORY COMMENTS:

Edward Manganiello, of 3 Old Farm Lane in Old Greenwich, has served on the RTM since 2002

Mr. Manganiello is engaged as an Insurance/Reinsurance Coverage and Claims Consultant. Hi practice of over 40 years has been concentrated in liability claims handling and litigation, including the evaluation of insurance coverage and claims exposure of personal injury and property damage claims with extensive experience with school board, small and large business, public entity, and a myriad of other personal and corporate liability coverage and claims administration programs.

He has served on the Claims Committee since 2002. His experience in defense work for insurers and handling employment practices has allowed him to contribute to the Claims Committee's understanding of the issues involved in cases when insurance companies may seek to manage their own risk by advising the Town to settle a case.

ITEM NO: 7
DEPARTMENT: Appointments Committee
CONTACT: John Eddy 203-550-7122 john.Eddy@greenwichct.org
REFERRED TO: *Legislative & Rules Committee*
VOTES: 8/12

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

RICHARD MARGENOT

EXPLANATORY COMMENTS

Richard Margenot, of 8 Cat Rock Road in Cos Cob has served on the RTM since 2012 and also from 1990-1992.

Mr. Margenot is a local attorney whose practice includes commercial and residential real estate, business agreements, probate matters, entity formation, estate planning and settlement, elder law, fiduciary services as executor, trustee and conservator, foreclosures, forensic investigations of books and records, health law, zoning, and expert witness services in legal malpractice.

He has served on the Claims Committee since 2012, on the Health and Human Services Committee of the RTM and is currently the District 8 delegate to the Public Works Committee. His knowledge of and experience in the State and Federal Courts, extensive network of local legal and financial contacts, and expertise in a number of legal disciplines afford him insight into proceedings and precedents which may affect the Town.

Mr. Margenot is a Member of the Corporators of First County Bank, a Board Member of Greenwich Community Gardens, Inc., a Board member of Glenville Mavericks, Inc., and Instructor at the Hamill Rink. He is Executive Board Member of the Greenwich Council Boy Scouts of America, Board Member of the Montgomery Pinetum Park Coalition, Inc., Greenwich Community Gardens, and member of Greenwich Conservation Advocates. He is a former Scoutmaster, Troop 9, BSA 2003 to 2009, and has received the Probate Court Pro Bono Awards in 2006, 2007, 2009.

ITEM NO: 8
DEPARTMENT: Appointments Committee
CONTACT: John Eddy 203-550-7122 rtm@johneddy.com
REFERRED TO: *Legislative & Rules Committee*
Votes: 10/12

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

EDWARD D. DADAKIS

EXPLANATORY COMMENTS

Edward D. Dadakis of 81 Mallard Drive, Greenwich, has served on the RTM since 1979 as a member in both Districts 1 and 11.

Mr Dadakis is Executive Vice President of Aon Risk Services where he has responsibility for the total account management of major Fortune 500 clients for insurance and risk management. He is a Licensed State of New York Broker and holds Certificate in General Insurance from the Insurance Institute of America.

Mr Dadakis has served on the Claims Committee since 2006. His broad expertise in recognizing and managing risks contributes greatly to the Claims Committee's ability to make fully informed settlement decisions. He has also served on Education, and Public Works Committees and was the RTM representative to the Southwest Regional Planning Agency. Mr Dadakis is also a Community Committee Member Greenwich of the September 11th Memorial.

Mr Dadakis is a member of Greenwich Republican Town Committee and has served on the Board of the Greenwich Chapter of the Boy Scouts of America. He is a Justice of the Peace of the Town of Greenwich.

ITEM NO: 9
DEPARTMENT: RTM Appointments Committee Date 02/12/2018
CONTACT: John Eddy 203-550-7122 john.eddy@greenwichct.org
REFERRED TO: *Legislative & Rules Committee*
VOTES: 9/12

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

GLEN CANNER

EXPLANATORY COMMENTS:

Glen Canner, of 1465 East Putnam Avenue in Old Greenwich, has served on the RTM since 2009.

Mr. Canner is an attorney with the Law Offices of Glen A. Canner, Stamford & Old Greenwich. He serves as Vice Chair of the Greenwich Democratic Town Committee Executive Board. He holds Bar membership in United States Supreme Court, United States Court of Appeals: Second Circuit, United States Tax Court, United States District Court, District of Connecticut, and the Courts of the State of Connecticut.

He has served on the Claims Committee since 2009 and is the District 12 Delegate the Legislative and Rules Committee. His 39 years of litigation experience personal injury and employment law can help committee make informed decisions as to whether to settle or take matter to trial.

Mr. Canner also is as member of the Rocky Point Club, past member of the Greenwich Choral Society and serves as a Justice of the Peace.

ITEM NO: **10**

DEPARTMENT: RTM Appointments Committee Date 02/12/2018

CONTACT: John Eddy 203-550-7122 john.eddy@greenwichct.org

REFERRED TO:*Legislative & Rules Committee*

VOTES: 11/12

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

JANE WEISBECKER ARNONE

EXPLANATORY COMMENTS:

Jane Weisbecker Arnone, of 14 Pemberwick Road in Greenwich, has served on the RTM and since 2006.

She been associated with two large NYC firms, is currently of counsel to Benanti and Associates in Stamford, Ct, specialized boutique firm, where she is responsible for the representation of nationally prominent lenders, lessors and institutional clients in foreclosure, complex commercial litigation and bankruptcy matters.

Ms. Weisbecker Arnone has served on the Claims Committee since 2006 and is the District 9 delegate to the Legislative and Rules Committee. Her comprehensive professional experience in area courts and with regional attorneys affords her the ability to advise the Claims Committee on the strategies and challenges which the Town is likely to face should it chose to seek a settlement in court.

Ms. Weisbecker Arnone is a practicing litigation attorney in Connecticut and New York State and Federal Courts since 1987 whose primary practice involves the representation of lenders and institutions in commercial litigation matters. She has extensive experience in all aspects of litigation and is intricately familiar with Connecticut law and rules of practice.

ITEM NO: **11**
DEPARTMENT: RTM Appointments Committee Date 02/12/2018
CONTACT: John Eddy 203-550-7122 john.eddy@greenwichct.org
REFERRED TO: *Legislative & Rules Committee*
VOTES: 9/12

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

MARGARET FREIBERG

EXPLANATORY COMMENTS:

Margaret Freiberg, of 15 Zaccheus Mead Lane in Greenwich, has served on the RTM since 2010.

Ms. Freiberg has over 20 years' practice of law as in-house counsel at IBM where she provided legal direction to IBM Human Resources department in connection with the design and administration of claims with respect to numerous employee benefit plans (both insured and self-insured) and fringe benefit programs. In addition to this she managed family, medical, and military leaves; accommodation of employee disabilities and religious observances and equal employment opportunity laws.

Ms. Freiberg is currently serving as delegate on the Claims Committee, to which she was appointed in 2015. She serves as the District 7 Delegate to the Legislative and Rules Committee. She has previously served on the Public Works Committee and the Community Development Block Grant Advisory Committee. She is a past volunteer in computer education at Greenwich Senior Center and past leader of the Greenwich chapter of Hadassah, a not-for-profit organization engaged in medical research, health care, and legislative advocacy.

ITEM NO: **12**
DEPARTMENT: RTM Appointments Committee Date 02/12/2018
CONTACT: John Eddy 203-550-7122 john.eddy@greenwichct.org
REFERRED TO: *Legislative & Rules Committee*
VOTES: 11/12

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

KATHERINE HYNES

EXPLANATORY COMMENTS:

Katherine Hynes, of 3 Cloverleaf Lane in Greenwich, has served on the RTM since 2016.

She is the District 10 Delegate to the Legislative and Rules Committee.

Ms. Hynes has experience representing a municipalities in civil litigation matters including tort claims, employment issues, and civil rights violations (including police cases). She is Assistant County Attorney, Civil Litigation Westchester County,NY Attorney's Office, having previously served as Assistant District Attorney in Bronx County,NY District Attorney's Office.

ITEM NO: **13**

DEPARTMENT: RTM Appointments Committee Date 02/12/2018
CONTACT: John Eddy 203-550-7122 john.eddy@greenwichct.org
REFERRED TO:*Legislative & Rules Committee*
VOTES: 7/12

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

GREGORY ZORTHIAN

EXPLANATORY COMMENTS:

Gregory Zorthian, of 6 Dogwood Lane Greenwich, has served on the RTM since 2016.

Mr. Zorthian has MBA with a concentration in general management from Harvard Business School and has spent his career in the media industry, working at Time Inc, Forbes, and the Financial Times in positions in marketing, business development, advertising, finance and general management. He has been a senior executive at Time Magazine, Fortune, Forbes, and the Financial Times with bottom-line responsibilities at each of these publications.

Mr Zorthian has had legal experts report to him in several of his jobs and his experience in managing risk trade-offs of major business decisions would make him a valuable addition to the Claims Committee.

ITEM NO: **14**

DEPARTMENT: RTM Appointments Committee Date 02/12/2018
CONTACT: John Eddy 203-550-7122 john.eddy@greenwichct.org
REFERRED TO:*Legislative & Rules Committee*
VOTES: 9/12

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

RICHARD WELLINGTON

EXPLANATORY COMMENTS:

Richard Wellington, of 21 Scott Road in Greenwich, as served on the RTM from 2010- present.

Mr. Wellington Is President of Greenwich Independent Insurance Elkanah Mead Agencies where his responsibilities include risk evaluation and management for professionals, businesses and families through analysis and review of claims including professional liability, personal injury, bodily injury and marine claims.

His extensive community service includes:

- YMCA Board of Directors of Greenwich, CT 2016 - present
- Founder YMCA Run Club
- Greenwich Board of Parks and Recreation 2002 - 2012, serving as Chair 2006 – 2012
- Banksville Independent Fire Company 1998 - 2006
- Greenwich Youth Golf Tournament Founding and Sole Sponsor, 2003 - present
- Past Board Member Greenwich Basketball Association
- Past Associate Board Member Greenwich Council of the Boy Scouts of America
- Greenwich Board of Education Transportation Committee Member, 1984
- Lou Ferraro YMCA Excellence Award, 2016
- Max Glasser Award Recipient for Community Service, 1997

ITEM NO: 15

DEPARTMENT: Office of the First Selectman

CONTACT: Barbara Heins – 203-622-7702 – Barbara.Heins@greenwichct.org

REFERRED TO: *Appointments, Land Use and Parks & Recreation Committees*

VOTES: Board of Selectmen 3-0-0

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

DONALD CARLSON

EXPLANATORY COMMENTS

Donald Carlson, of 20 Shore Acre Dr., Old Greenwich, CT 06870, has been nominated as a regular member of the Harbor Management Commission, for a term expiring March 31, 2021.

Mr. Carlson has served as an alternate member of the Commission since 2016. A resident of Greenwich since 2000, Mr. Carlson been an active sailor and boater for 30 years.

Mr. Carlson is a venture partner with Rubicon Venture Capital. Previously, he was a founding partner of The Forefront Group Ltd., the CEO of Matterhorn Transactions, Inc., and has taught as an adjunct professor at Williams College and as a professor at Bard College.

Mr. Carlson earned a Bachelor of Arts degree in political economy, magna cum laude from Williams College and his Juris Doctoris, magna cum laude, from Harvard Law School. His community service includes involvement with The Learning Project in New York, the International Education Exchange, American Corporate Partners, the Chester Addison Community Center, New Covenant House Soup Kitchen, as well as coaching Little League and cross country.

ITEM NO: **16**

DEPARTMENT: Office of the First Selectman

CONTACT: Barbara Heins – 203-622-7702 – Barbara.Heins@greenwichct.org

REFERRED TO: *Appointments, Land Use and 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 regular member of the Harbor Management Commission (R2), for a term expiring March 31, 2021.

FRANK MAZZA

EXPLANATORY COMMENTS

Frank Mazza, of 85 Indian Field Road, Greenwich, CT 06830, has been nominated as a regular member of the Harbor Management Commission, for a term expiring March 31, 2021.

Mr. Mazza has served as the Chairman and as a member of the Commission for the last four years. A resident of Greenwich since 1935, Mr. Mazza has been boating on the waters of Greenwich for more than 70 years. He possesses an intimate knowledge of the waters of Long Island Sound.

Mr. Mazza's community service includes serving for 13 years as a member of the Representative Town Meeting; nine years as a member of the Board of Selectmen; 20 years on the Board of Estimate and Taxation. He also has served on five school building committees and remains a member of the Hamilton Avenue School Building Committee.

Mr. Mazza earned a Bachelor of Science degree in engineering and retired as a manager of M. Gottfried Inc. in Stamford.

ITEM NO: **17**

DEPARTMENT: Office of the First Selectman

CONTACT: Barbara Heins – 203-622-7702 – Barbara.Heins@greenwichct.org

REFERRED TO: *Appointments, Land Use and 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 regular member of the Harbor Management Commission (R1), for a term expiring March 31, 2021.

MICHAEL VANOSS

EXPLANATORY COMMENTS

Michael VanOss, of 42 Sunshine Ave., Riverside, CT 06878, has been nominated as a regular member of the Harbor Management Commission, for a term expiring March 31, 2021.

Mr. VanOss has served as a member of the Commission for the last four years. A resident of Greenwich since 2003, Mr. VanOss is an avid boater.

Mr. VanOss is the owner and president of JPR Mechanical Services in New Rochelle, N.Y. He has been involved in several commercial and industrial HVAC projects in the New York City area including the East River Tunnel Project, the World Conservation Society at the Bronx Zoo and the Federal Hall National Memorial.

Mr. VanOss earned a Bachelor of Science degree in finance from the University of Maryland in College Park.

ITEM NO: 18

DEPARTMENT: Office of the First Selectman

CONTACT: Barbara Heins – 203-622-7702 – Barbara.Heins@greenwichct.org

REFERRED TO: *Appointments, Land Use and Parks & Recreation Committees*

VOTES: Board of Selectmen 3-0-0

RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed as an alternate member of the Harbor Management Commission (A1), for a term expiring March 31, 2021.

DAVID J. NOBLE

EXPLANATORY COMMENTS

David J. Noble, of 60 Tomac Ave., Old Greenwich, CT 06870, has been nominated as an alternate member of the Harbor Management Commission, for a term expiring March 31, 2021.

A Greenwich resident since 2003, Mr. Noble been an avid boater for more than 30 years. He is a member of the Old Greenwich Yacht Club.

Mr. Noble is an investment banker who recently completed a 12-year career with HSBC. He earned his Bachelor of Arts degree from Yale University and his Master's in Business Administration from the MIT Sloan School of Management.

Mr. Noble's community involvement includes serving on the Representative Town Meeting, the board of the Connecticut Chapter of the Leukemia & Lymphoma Society, a member of the Innis Arden Golf Club and the Republican Town Committee, as well as participating in local charity road races.

ITEM NO: 19

DEPARTMENT: Office of the First Selectman

CONTACT: Barbara Heins – 203-622-7702 – Barbara.Heins@greenwichct.org

REFERRED TO: *Appointments and Land Use Committees*

VOTES: Board of Selectmen 3-0-0

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

EDWIN 'Dave' HARDMAN

EXPLANATORY COMMENTS

Edwin 'Dave' Hardman, of 46 Carriglea Dr., Riverside, CT 06878, has been nominated as an alternate member of the Planning and Zoning Commission, for a term expiring March 31, 2020.

A Greenwich resident since 1995, Mr. Hardman is a director of the Riverside Association, and an organizer of the Carriglea Drive neighborhood organization.

Mr. Hardman has an extensive career – for 39 years – in real estate investment and nonprofit organizations. He is a managing director of Warburg Pincus LLC, a private equity and global real estate investment firm, as well vice chairman of a private real estate investment firm that invests in office properties on behalf of seven major foundations and endowments.

Mr. Hardman's community service includes serving as a director and head of the Strategy and Risk Committee for Relief International and the Investment Committee for The Shurl and Kay Curci Foundation. He mentors and sponsors several military veterans working towards their MBAs at Harvard Business School, and is the development advisor for the Pomona College water polo teams.

He earned his Bachelor of Science degree from the United States Military Academy and his MBA from the Harvard Business School.

ITEM NO: 20

DEPARTMENT: Office of the First Selectman

CONTACT: Barbara Heins – 203-622-7702 – Barbara.Heins@greenwichct.org

REFERRED TO: *Appointments and Land Use Committees*

VOTES: Board of Selectmen 3-0-0

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

JOSEPH ANGLAND

EXPLANATORY COMMENTS

Joseph Angland, of 292 Stanwich Road, Greenwich, CT 06830, has been nominated as an alternate member of the Planning and Zoning Board of Appeals, for a term expiring October 31, 2020.

Mr. Angland has served as an alternate member of the Board since 2016. He has been a lawyer for more than 42 years and operates the Law Office of Joseph Angland in White Plains, N.Y. He is a member of the American Bar Association and has served as chair of the organization's Section of Anti-Trust Law, and has authored, edited or participated in editorial revisions of more than 50 anti-trust publications.

Mr. Angland's community service includes serving as a director of and on the Executive Committee of the Legal Aid Society in New York City. Since 2004, he has served as the Secretary of the Gateway Classical Music Society in Greenwich. He has been a Greenwich resident since 1993.

Mr. Angland earned a double Bachelor of Science degree in Economics and in Management from the Massachusetts Institute of Technology. He is a graduate of Harvard Law School where earned his law degree cum laude.

ITEM NO: 21

DEPARTMENT: Office of the First Selectman

CONTACT: Barbara Heins – 203-622-7702 – Barbara.Heins@greenwichct.org

REFERRED TO: *Appointments and Land Use Committees*

VOTES: Board of Selectmen 3-0-0

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

JOHN VECCHIOLLA

EXPLANATORY COMMENTS

John L. Vecchiolla, of 193 Byram Road, Greenwich, CT 06830, has been nominated as a regular member of the Planning and Zoning Board of Appeals, for a term expiring October 31, 2018.

Mr. Vecchiolla has served as an alternate member of the Board since 2016. He has been a lawyer for more than 45 years and operates the Law Office of John L. Vecchiolla, LLC in Greenwich. He is a member of the American Bar Association, the Connecticut Bar Association and the Greenwich Bar Association, of which he served as president.

Mr. Vecchiolla's community service includes being a member of the Greenwich Board of Education from 1984 to 1997 during which he served in several capacities. Those capacities included serving as a member of the Cos Cob School Building Committee, as chairman of the Greenwich High School Building Committee, and as a member of the Western Middle School Building Committee. He also served with the Greenwich Kiwanis Club, the Knights of Columbus, the American Red Cross, and as a member of the Representative Town Meeting from District 4.

Mr. Vecchiolla earned a Bachelor of Arts degree in history, with honors, from Middlebury College. He earned his J.D. degree from Boston University School of Law.

ITEM NO.: 22

ORGANIZATION: BYOGreenwich

DATE:

CONTACT: Jeanine Behr Getz, 203.869.8346, byo@byogreenwich.org

REFERRED TO: *Land Use, Legislative & Rules and Public Works Committees*

VOTES: Board of Selectmen 3-0

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

Chapter XXX
SOLID WASTE

Article XXX
Reusable Checkout Bag Ordinance

§ XXX-1. Purpose.

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

§ XXX-2. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ XXX-5. Acceptable Checkout Bags

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

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

§ XXX-6. Retail Compensation

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

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

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

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

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

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

§ XXX-7. Retail Compensation Exemptions.

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

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

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

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

§ XXX-8. Violations, Penalties and Enforcement.

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

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

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

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

- (a) Two hundred fifty (\$250) dollars for the second violation;
- (b) Five hundred (\$500) dollars for the third violation and each subsequent violation.

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

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

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

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

§ XXX-9. Effective Date.

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

EXPLANATORY COMMENTS:

In December of 2017, the Town of Greenwich Selectmen passed a resolution to register the Town with Sustainable CT, the State Conservation Program. The Town of Greenwich became one of the first municipalities in the State of Connecticut to commit to Sustainable CT actions, implement them, and earn points toward certification. Sustainable CT also provides opportunities for grant funding to help communities promote economic well being and enhance equity, all while respecting the finite capacity of the natural environment. The program is designed to support all Connecticut municipalities, regardless of size, geography or resources. Sustainable CT empowers municipalities to create high collective impact for current and future residents. [http://www.greenwichct.org/News/Conservation Commission/town of greenwich joins the sustainable ct initiative/](http://www.greenwichct.org/News/Conservation%20Commission/town%20of%20greenwich%20joins%20the%20sustainable%20ct%20initiative/), http://www.greenwichct.org/upload/medialibrary/48d/PR_12.19.17-Sustainable-CT-Greenwich.PDF

In July 2017, the Town of Greenwich Selectmen passed a resolution to approve the Reusable Checkout Bag Initiative to move forward. The RTM voted to refer the ordinance to the Legislative & Rules and Land Use committees to guide the ordinance through the RTM approval process.

In April 2008 the Town of Greenwich adopted the Plan of Conservation Development (POCD).

In accordance with the goals and objectives of the POCD, the Town seeks to conserve resources, reduce greenhouse gas (GHG) emissions, waste, litter, and pollution and to procure and use sustainable products and services in the Town of Greenwich.

As stewards of 32 miles of coastline of the Long Island Sound, an Estuary of National Significance, designated so in 1988 by the United States Congress, Greenwich has an obligation to ensure that our plastic doesn't flow into the Long Island Sound.

<http://www.dec.ny.gov/lands/31851.html>

Plastic bags are among the 12 items of debris most often found in coastal cleanups, according to the nonprofit Center for Marine Conservation.

According to new CT recycling regulation, as of November 2017, Single-Use Plastic Checkout bags may not be put in single stream recycling. RecycleCT suggests using reusable bags.

Plastic wraps, bags, films that are not taken to an authorized collection point here in the Town of Greenwich are incinerated.

The resulting toxic ash has to be buried in specially designed and lined landfills.

<http://www.ct.gov/deep/cwp/view.asp?A=4918&Q=598944>

<https://www.epa.gov/smm/energy-recovery-combustion-municipal-solid-waste-msw#03>

<http://www.dec.ny.gov/chemical/23681.html>

<http://www.ct.gov/deep/cwp/view.asp?a=2714&q=324880#Plastic>

Approximately nine hundred fifty million (950 million) Single-Use Plastic Checkout Bags are used annually in Connecticut.

http://www.ctlcv.org/uploads/6/2/0/1/6201942/reduce_single_use_bags_2017.pdf

Approximately twelve million (12 million) Single-Use Plastic Checkout Bags are used annually in Town of Greenwich.

(Numbers based on Equinox Study. Plastic Bag Bans: Analysis of Economic and Environmental Impacts".

Equinox Center. Oct. 2013. <https://energycenter.org/sites/default/files/Plastic-Bag-Ban-Web-Version-10-22-13-CK.pdf>)

Plastic pollution is a recognized global crisis. Over 40 countries and approximately 320 cities in the United States are addressing the negative environmental and human health impact of single-use plastic bags by passing

laws. Including ten area and regional towns in the State of Connecticut, the State of New York and the State of Massachusetts --- Westport, CT, New Castle, NY, Rye, NY, Mamaroneck, NY, Hastings on the River, NY, Larchmont, NY, East Hampton, NY, Nantucket, MA, Cambridge, MA, and Boston, MA.

<http://www.telegraph.co.uk/science/2017/12/13/193-nations-sign-pledge-tackle-global-crisis-plastic-oceans/>

http://www.earth-policy.org/images/uploads/press_room/Plastic_Bags.pdf

<https://static1.squarespace.com/static/5522e85be4b0b65a7c78ac96/t/581cd663d2b857d18a7db3fd/1478284911437/PlasticsBANList2016-11-4.pdf>

WHAT'S THE PROBLEM?

Plastic waste.

(Center for International Environmental Law. 2017. How Fracked Gas, Cheap Oil and Unburnable Coal are Driving the Plastics Boom.)

(http://www.plasticseurope.org/documents/document/20161014113313-plastics_the_facts_2016_final_version.pdf)

(World Economic Forum, Ellen MacArthur Foundation and McKinsey & Company 2016. The New Plastics Economy – Rethinking the future of plastics.)

In 2017 China announced they would stop taking foreign plastic scrap. United States is the largest national plastic waste exporter in the world.

<https://www.bloomberg.com/news/articles/2017-12-06/china-s-blow-to-recycling-boosts-u-s-s-185-billion-plastic-bet>

<https://www.wsj.com/articles/america-is-no-1-in-exporting-trash-what-if-no-one-wants-it-anymore-1507483011>

Recycling is not enough. USA only collects two thirds of post consumer plastic for recycling.

(US: Environmental Protection Agency. 2016. Advancing Sustainable Materials Management: 2014 Tables and Figures Assessing Trends in Material Generation, Recycling, Composting, Combustion with Energy Recovery and Landfilling in the United States.)

Plastic bag production requires non-renewable fossil fuels to create. According to the Environmental Protection Agency, the United States uses over 380 billion plastic bags and wraps yearly, requiring 12 million barrels of oil to create.

<https://www.unric.org/en/latest-un-buzz/28776-100-billion-plastic-bags-used-annually-in-the-us>

(<https://blog.epa.gov/blog/tag/plastic-bags/>)

According to 5 Gyres Institute single-use plastic bags have no economic value in today's recycling systems. They are designed to dump and are often contaminates in recycling systems. According to Sims Municipal Recycling in NYC, they require extra energy and costs in the recycling process, and there is no market for dirty plastic bags.

<https://static1.squarespace.com/static/59bd5150e45a7caf6bee56f8/t/59f688a00852291b22a2aa9d/1514150445228/factsheet>

<http://science.sciencemag.org/content/347/6223/768>

<http://www.sciencemag.org/tags/plastic-pollution>

<http://plastic-pollution.org>

(<http://www.plasticbaglaws.org> - New York City Students Hold Conference To Discuss Plastic Bag Bans)

Plastic bags are not biodegradable; they degrade into smaller toxic particles that contaminate our water and soil.

They enter our food system by being ingested by the fish and animals we eat. They kill birds, animals and marine life. They clog storm drains and impede drainage.

(Confused by the Terms Biodegradable & Bio based, Biodegradable Products Institute 1-3,

<http://www.bpiworld.org/resources/Documents/PROiaelB%5B1%5D.pdf> (March 2014).

(Micro plastics as Contaminants in the Marine Environment: A Review, 62 Marine Pollution Bulletin.

2588,2589 (2011))(Richard C. Thompson et al., Lost at Sea: Where Is All the Plastic?, 304 Science 838 (2004).

<http://rspb.royalsocietypublishing.org/content/284/1860/20171000>

[http://iopscience.iop.org/article/10.1088/1748-](http://iopscience.iop.org/article/10.1088/1748-9326/10/12/124006)

[9326/10/12/124006;jsessionid=123F0E078E457FC6106D3ACEE956F209.c3.iopscience.cld.iop.org](http://iopscience.iop.org/article/10.1088/1748-9326/10/12/124006)

Kier Associates, Waste in Our Water: The Annual Cost to California Communities of Reducing Litter that Pollutes Our Waterways, Natural Resource Defense Council, 102, app. B tbl. 14 (Aug. 2013)

<https://static1.squarespace.com/static/59bd5150e45a7caf6bee56f8/t/59f688a00852291b22a2aa9d/1514150445228/factsheet>

According to the Ellen MacArthur Foundation, there will be more plastic in the ocean than fish by 2050.

(World Economic Forum, Ellen MacArthur Foundation and McKinsey & Company 2016. The New Plastics Economy – Rethinking the future of plastics.)

PROPOSED GREENWICH SOLUTION:

As proposed in this Ordinance, banning Single-Use Plastic Checkout Bags combined with charging a Retail Compensation for Recycled Paper Checkout Bags and including community education and outreach have proven to reduce the use of both types of bags.

This type of Ordinance is referred to as hybrid second-generation legislation.

Examples:

According to Los Angeles County report that looked at the effect on local businesses, they found that an ordinance, similar to this Ordinance, “appears to have minimal financial impact on local businesses.”

<http://ladpw.org/epd/aboutthebag/PDF/Bag%20Ban%20Status%20Nov%202012.pdf>)

Los Angeles County saw a 94% single-use plastic bag use reduction and 25% paper bag use reduction with this type of legislation at an annual per resident cost of \$4.00

<http://ladpw.org/epd/aboutthebag/PDF/Bag%20Ban%20Status%20Nov%202012.pdf>)

Five years after Ireland instituted a 15 Euro cent levy on plastic bags in 2002 – Irish stores had been giving out 1.2 billion each year for free – a paper published in Environmental and Resource Economics suggested a 90 percent reduction in use.

<http://www.environ.ie/en/Environment/Waste>)

One year after its ban San Jose reported “a reduction in bag litter of approximately 89 percent in the storm drain system, 60 percent in the creeks and rivers, and 59 percent in city streets and neighborhoods.” Note: Hybrid model regulation

http://www.carecycles.org/files/SanJose_updatememo_Nov2012.pdf).

Researchers at Cardiff University, in the United Kingdom, found that a fee for plastic bags introduced in October 2015 has led to a sharp decline in the number of shoppers who take single-use bags at checkout, from 25 percent to 7 percent after one year.

[https://orca.cf.ac.uk/94652/1/Cardiff University Plastic Bag Report A4%20%28final%20proof%29.pdf](https://orca.cf.ac.uk/94652/1/Cardiff%20University%20Plastic%20Bag%20Report%20A4%20%28final%20proof%29.pdf)

Initial findings from California “hybrid” bag ordinance showing decrease of plastic bag waste

("It's Been a Year Since California Banned Single-Use Plastic Bags. The World Didn't End. Waste Advantage. Nov. 2017. https://wasteadvantagemag.com/its-been-a-year-since-california-banned-single-use-plastic-bags-the-world-didnt-end/?utm_source=November+120+2017+Industry+Update&utm_campaign=Weekly+Newsletters+11%2F20%2F2017&utm_medium=email

In a Seattle survey study, 80 percent of retailers reported a 'significant reduction' in single-use bags after Seattle instated Plastic Bag Ban + Paper Bag Fee. <https://energycenter.org/sites/default/files/Plastic-Bag-Ban-Web-Version-10-22-13-CK.pdf>

The Retail Compensation encourages consumers to shift to Reusable Checkout Bags. The intent of the Retail Compensation is to offset costs to a Business Establishment providing Recycled Paper Checkout Bags, signage and employee retraining. Retail Compensation is not a tax. This ordinance shall not specify how a Business Establishment must expend the monies collected. A Business Establishment will retain the Retail Compensation.

(Retail Compensation ranges from 5 cents (Washington, D.C. to 1 dollar (Brownsville, TX)(California Bill 270 / Proposition 67, states the stores that sell the bags keep the money and must use it to cover the costs of providing the bags, complying with the bag ban, or encouraging the use of reusable grocery bags through educational materials or an educational campaign.

According to California Grocers Association, ordinances that do not regulate all types of single-use checkout bags (ie. ban only) do not maximize environmental gains and can cost each store well over \$50,000 a year in increased costs.

(Letter from Timothy M. James, Manager, Local Government Relations, California Grocers Association, to Honorable David Chiu, President, Board of Supervisors, City and County of San Francisco (Feb. 6, 2012)

Bring Your Own Greenwich (BYOGreenwich), is a new citizen's initiative formed to address single-use plastic bag waste issues, are proposing the RTM pass the attached Ordinance.

Reusable Checkout Bag Ordinance Supporters, as found on Bring Your Own Greenwich website, as of February 16, 2018:

Greenwich Garden Club
Greenwich Shellfish Commission
Greenwich Recycling Advisory Board
Greenfingers Garden Club
Hortulus
Greenwich Green & Clean
Fairfield County Look
New England Land Company
Greenwich Conservation Commission
Green Schools Alliance
Greenwich Chamber of Commerce
Kids Think Big
MYX Creative Kitchen
Surfrider Foundation Connecticut Chapter
Richards
Sound Waters

Citizens Campaign for the Environment
Audubon Greenwich
David Ogilvy & Associates Realtors
Frank Corzo Auto Body
Garden Education Center Greenwich
Quad Jobs
Black Petunia
Friends of Greenwich Point
Junior League of Greenwich
Greenwich Academy
Watson's Catering & Events
The Waverly Project
Jaafar Tazi Salon
Greenwich Dance Studio
The Nantucket Project
Greenwich Point Conservancy

Greenwich Land Trust
Back 40 Farm Group
Sutton Brown Mock
Greenwich Country Day School
Boys & Girls Club of Greenwich
Greenwich Tree Conservancy
Greenwich Historical Society

Friends of the Greenwich Library
Brunswick School
Green & Tonic
Lorca
Byram Library
Threads & Treads
(List in formation)

ITEM NO: 23

DEPARTMENT: Greenwich Conservation Advocates 1706RT01

CONTACT: Marija Mikolajczak 917-683-6062

GreenwichConservationAdvocates@gmail.com

REFERRED TO: *Health & Human Services, Legislative & Rules, Land Use and Public Works 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;

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

TOWN of Greenwich, CONNECTICUT

CODE OF ORDINANCES

Ordinance Prohibiting Waste Associated with Natural Gas and Oil Extraction

xxx-01 Definitions for the Purposes of this Ordinance:

1. For the purposes of this Ordinance, the following terms, phrases, and words shall have the meanings given here, unless otherwise clearly indicated by the context:
2. “*Hydraulic fracturing*” shall mean the fracturing of underground rock formations, including shale and non-shale formations, by manmade fluid-driven techniques for the purpose of stimulating oil, natural gas, or other subsurface hydrocarbon production.
3. “*Natural gas extraction activities*” shall mean all geologic or geophysical activities related to the exploration for or extraction of natural gas, including, but not limited to, core and rotary drilling and hydraulic fracturing.

4. *"Oil extraction activities"* shall mean all geologic or geophysical activities related to the exploration for or extraction of oil, including, but not limited, to, core and rotary drilling and hydraulic fracturing.
5. *"Natural gas waste"* shall mean: a) any liquid or solid waste or its constituents that is generated as a result of natural gas extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants; b) leachate from solid wastes associated with natural gas extraction activities; c) any waste that is generated as a result of or in association with the underground storage of natural gas; d) any waste that is generated as a result of or in association with liquefied petroleum gas well storage operations; and e) any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.
6. *"Oil waste"* shall mean: a) any liquid or solid waste or its constituents that is generated as a result of oil extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants; b) leachate from solid wastes associated with oil extraction activities; and c) any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.
7. *"Application"* shall mean the physical act of placing or spreading natural gas waste or oil waste on any road or real property located within the Town of Greenwich.
8. *"Town"* shall mean Town of Greenwich.

xxx-02 Prohibitions:

1. The application of natural gas waste or oil waste, whether or not such waste has received Beneficial Use Determination or other approval for use from DEEP (Department of Energy & Environmental Protection) or any other regulatory body, on any road or real property located within the Town for any purpose is prohibited.
2. The Introduction of natural gas waste or oil waste into any wastewater treatment facility within or operated by the Town is prohibited.
3. The introduction of natural gas waste or oil waste into any solid waste management facility within or operated by the Town is prohibited.
4. The storage, disposal, sale, acquisition, transfer, handling, treatment and/or processing of waste from natural gas or oil extraction is prohibited within the Town.

xxx-03 Provision to be included in bids and contracts related to the construction or maintenance of publicly owned and/or maintained roads or real property within the Town:

1. All bids and contracts related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the Town shall include a provision stating that no materials containing natural gas waste or oil waste shall be utilized in providing such a service.
2. All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within the Town shall include a provision stating that no materials containing natural gas waste or oil waste shall be provided to the Town.
3. The following statement, which shall be a sworn statement under penalty of perjury, shall be included in all bids related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within the Town and all bids related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the Town:
"We _____ hereby submit a bid for materials, equipment and/or labor for the Town of Greenwich. The bid is for bid documents titled _____. We hereby certify under penalty of perjury that no natural gas waste or oil waste will be used by the undersigned bidder or any contractor, sub-contractor, agent or vendor agent in connection with the bid; nor will the undersigned bidder or any sub-contractor, agent or vendor agent thereof apply any natural gas waste or oil waste to any road or real property within the Town of Greenwich as a result of the submittal of this bid if selected."

xxx-04 Penalties

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

2. Any person who violates this Ordinance shall be liable for a fine of \$250 per violation per day, except as provided in this Section 04.2. The Town shall not impose this fine on an individual resident for the unintentional acquisition, transfer, storage, handling or application of oil waste or natural gas waste on or for property owned or occupied by such resident.

xxx-05 Severability

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

xxx-06 Transportation

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

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

Five (5) Petition Pages (online at www.greenwich.ct.org)