

SPECIAL TOWN MEETING

RECEIVED
@ 12:46PM
DEC 10 2018
Wendy Gannon-Schroter
BY TOWN CLERK'S OFFICE
RIDGEFIELD CT

Notice is hereby given that a Special Town Meeting will be held on Wednesday January 9th, 2018 at 7:30pm in the Ridgefield Town Hall Large Conference Room, 400 Main Street, Ridgefield, Connecticut to act on the following changes in Ridgefield Code of Ordinances. ***Bold italics*** represents addition to existing language; brackets and strikethrough (~~strikethrough~~) indicates deletion of text.

Ordinance Prohibiting the Storage, Disposal or Use of Fracking Waste

_____ - 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 Ridgefield***
- 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 Ridgefield.***

_____ - 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.*

 - *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 Ridgefield. 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 Ridgefield as a result of the submittal of this bid if selected."*

 - *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 fine of \$250 per CT Statute. The Town may also pursue other penalties as applicable defined in CT General Statutes.

_____ - 05 Enforcement:

Any designee authorized by the First Selectman may pursue penalties against any person(s) who commits violations of this ordinance. The involvement of any Ridgefield officials will not require testing of waste products to determine chemical contents, this work will be done via contacting CT DEEP or other 3rd party analytical laboratories as is current practice of Ridgefield for other exposures to potentially hazardous chemical situations.

Any designee authorized by the Board of Selectmen may request the Commissioner of CTDEEP pursue civil penalties defined by CT General Statutes, as applicable.

_____ - 06 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.

_____ - 07 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 Ridgefield.


Rudy Marconi
First Selectman



TOWN OF RIDGEFIELD
Office of the First Selectman

RECEIVED
03:20 PM
JAN 10 2019
Wendy Gannon Lionetti
BY TOWN CLERK'S OFFICE
RIDGEFIELD CT

January 10th, 2019

Wendy Gannon Lionetti
Town Clerk

This is to affirm that the legal public notice for the Special Town Meeting of January 9th, 2019 appeared in *The Ridgefield Press* on January 3rd, 2019.


Amy Escribano
First Selectman's Office

Special Town Meeting January 9, 2019

First Selectman Rudy Marconi called the Special Town Meeting to order at 7:50 pm in the large conference room of Town Hall. The delayed start time of the meeting was due to the great number of people in attendance. Mr. Marconi asked the audience to stand and recite the Pledge of Allegiance.

Rudy Marconi stated that the first item of business was to appoint a Moderator. **John Katz moved and Dwayne Escola seconded the motion to appoint Ed Tyrrell Moderator for the Special Town Meeting. The "Aye" votes were unanimous and Ed Tyrrell was appointed Moderator.**

Moderator Ed Tyrrell requested a motion to appoint a secretary. Maureen Kozlark **moved and Bob Hebert seconded the motion to appoint Wendy Gannon Lionetti, Town Clerk, secretary. The "Aye" votes were unanimous and Wendy Lionetti was appointed secretary.**

Ed Tyrrell read the call of the meeting to consider and act upon the proposed Fracking Ordinance. Mr. Tyrrell did not read the full text of the proposed ordinance but directed attendees to obtain a copy of it in the front of the room.

A motion to approve the proposed fracking ordinance was made by John Katz and seconded by Kristin Quell Garguilo.

The Moderator then opened the floor for discussion and asked Rudy Marconi to provide a brief overview.

Rudy Marconi stated the Board of Selectmen had been discussing a proposed ordinance since early in 2018. The Town was tracking to vote on the proposed ordinance but the meeting was snowed out. Before another Town Meeting was scheduled, due diligence was done on the proposed ordinance by the Town. In the meantime, a group of individuals interested in passing the original ordinance put forth a petition to bring it to a Town Meeting. The petition was verified by the Town Clerk and given to the Board of Selectmen for action. A Public Hearing was held last Saturday and that brings us to tonight when we are scheduled to vote on the proposed ordinance.

Rudy Marconi stated as a point of order—because the room is currently at capacity and people are still signing in out in the hallway—that someone asked whether the question can be called. This would suspend debate and we would then vote. Two-thirds majority would have to approve this and then, using the piece of paper you received as you entered, you cast your vote.

Moderator Ed Tyrrell stated that a voice vote could be taken and if there is any question of the majority vote, a paper vote could be used.

Mike Gargiulo of 26 Settlers Lane stated he is the petitioner. He thanked the Board of Selectmen for doing their due diligence and those residents in attendance for showing their support and their community engagement.

Kristin Quell Gargiulo of 26 Settlers Lane moved to call the question; seconded by Helen Dimos.

Moderator Ed Tyrrell asked for comments from the public on the motion.

Joan Kapfer, 11 Doubleday Lane, asked for clarification of the question—is a yes vote to support the ordinance?

Moderator Ed Tyrrell clarified that the first vote is to stop any further discussion and call the question.

Ed Tyrrell of 17 Pond Road commented that the discussion should not be stopped so quickly.

Christopher Moomaw of 120 Prospect Street stated it is his opinion that the question should not be called so quickly.

It was pointed out that under Robert's Rules, debate is suspended when a motion has been made to call the question. The vote was then taken to call the question.

Vote: The "Aye" votes carried and the motion to call the question was approved.

The Moderator clarified the motion pending before the meeting – an "Aye" vote would be to pass the ordinance; a "Nay" vote is against the ordinance.

At 8:02 pm there were still people in the hallway waiting to sign in. It was decided to read the proposed ordinance. Moderator Ed Tyrrell read pages 1 and 2 of the proposed ordinance.

It was then determined that all members of the public had signed in and the

The Moderator then asked for a motion to approve. **John Katz moved and Kristin Quell Gargiulo seconded the motion to approve the proposed Fracking Ordinance.**

Vote: The "Aye" votes carried, and the motion to approve the proposed Fracking Ordinance was approved. Rudy Marconi stated there were no nay votes in the other room or hallway.

John Katz moved and Maureen Kozlark seconded the motion to adjourn the meeting.

Vote: The "Aye" votes were unanimous and the meeting adjourned at 8:08 p.m.

Respectfully submitted,
Wendy Gannon Lionetti, Town Clerk