

**SPECIAL TOWN MEETING
MAY 8, 2018
MINUTES**

The Special Town Meeting was called to order by the First Selectman, Christine Goupil at 6:09pm. (Due to the large turnout the meeting was delayed so everyone had the opportunity to check in)

The first order of business was to elect a Moderator for this Special Town Meeting. Christine Goupil was nominated and hearing no other nominations, Christine Goupil was unanimously approved to be Moderator of this Special Town Meeting

The Moderator asked the Clerk to read the Legal Notice and same was unanimously approved as the Legal call of the Special Town Meeting.

The following Resolutions were read and opened for discussion:

RESOLVED: to approve a Capital Project line item transfer request to decrease the Eliot Roof project account 644701-59202 by \$20,000 and transfer that sum to the Joel Roof project account 644701-59201.

The Resolution was opened for discussion, hearing none, a motion was made and seconded to approve the resolution. **A voice vote unanimously passed the Resolution.**

RESOLVED: to accept a grant in the amount of \$110,000 from the Connecticut Port Authority (CPA) pursuant to the power to administer State grant-in-aid for the Small Harbor Improvement Projects Program (SHIPP) for a project entitled Engineering & Design – Town Marina Boat Ramp and Associated Dredging. The First Selectman is authorized to sign all such grant applications, reports and related documents to effect the acceptance and expenditure of the forgoing grant.

The Resolution was opened for discussion, hearing none, a motion was made and seconded to approve the resolution. **A voice vote unanimously passed the Resolution.**

RESOLVED: to approve the appropriation of the sum of \$123,950 from the undesignated fund balance for the acquisition of a Police Marine Patrol Vessel.

The Resolution was opened for discussion, after a brief discussion, a motion was made and seconded to approve the resolution. **A voice vote was taken with 233 yes and 1 opposed, 0 abstentions. The Resolution Passed.**

RESOLVED: to approve an Ordinance Prohibiting the Storage, Disposal or Use of Waste from Oil and Gas Explorations or Extraction Activities or Any Derivative Thereof in the Town of Clinton, Connecticut

The moderator moved that the matter of establishing a Fracking Ordinance for the Town of Clinton be adjourned to referendum pursuant to the Town Charter on May 17, 2018, to be held at the William Stanton Andrews Memorial Town Hall, Green Room, 54 East Main Street, Clinton, CT, with the polls to be open between the hours of 12 noon - 8:00PM.

A motion was made and seconded to set a date for the Proposed Ordinance Referendum.

The Resolution was opened for discussion, hearing none; a motion was made and seconded to approve the resolution. **A voice vote unanimously passed the Resolution.**

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 Clinton.

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 the Department of Energy & Environmental Protection ("DEEP") or any other regulatory body, on any road or real property located within the Town of Clinton 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 of Clinton is prohibited.

3) The introduction of natural gas waste or oil waste into any solid waste management facility within or operated by the Town of Clinton 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 of Clinton.

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 of Clinton:

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 of Clinton 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 of Clinton shall include a provision stating that no materials containing natural gas or oil waste shall be provided to the Town of Clinton.

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 of Clinton 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 of Clinton: "We _ hereby submit a bid for materials, equipment and/or labor for the Town of Clinton.. 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 Clinton 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 of Clinton 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 of Clinton. The Town of Clinton 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 of Clinton may also pursue other penalties as applicable defined in CT General Statutes.

xxx-05 Enforcement:

Any designee authorized by the First Selectwoman/Selectman of the Town of Clinton may pursue penalties against any person(s) who commits violations of this ordinance. The involvement of any Clinton 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 the Town of Clinton for other exposures to potentially

hazardous chemical situations. Any designee authorized by the First Selectwoman/Selectman of the Town of Clinton may request the Commissioner of CT DEEP pursue civil penalties defined by CT General Statutes, as applicable.

xxx-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.

A motion was made and seconded to adjourn this Special Town Meeting at 6:24pm.

The Registrar of Voters Checked in 234 People entitled to vote in Town Meetings

Dated at Clinton, Connecticut on the 26th day of April, 2018.

Christine Goupil, First Selectman

Sharon Uricchio, Town Clerk