

Town of Washington

Bryan Memorial Town Hall
2 Bryan Plaza, PO Box 383
Washington, Connecticut 06793

Special Town Meeting - March 5, 2015 at 7:30 p.m.

Moderator: Hank Martin

Clerk: Sheila Silvernail

MOTIONS

- Motion 1: To approve the Resolution for a settlement agreement between BRRFOC and the Town of Washington with Covanta. By Mark Lyon and seconded by Carlos Canal. Explanation by Mark Lyon. Passed unanimously in favor.
- Motion 2: To approve proposed Ordinance regarding the storage, disposal or use of fracking waste or any derivative thereof, in the Town of Washington, CT. By Mark Lyon and seconded by Mary Anne Greene. Subsidiary motion made.
- Subsidiary Motion: To move Motion 2 to a Vote by Ed Mathews and seconded by John Payne. Carried overwhelmingly by more than two-thirds majority in favor.
- Motion 2 cont: Passed unanimously in favor.

TRANSCRIPT / MINUTES

First Selectman, Mark Lyon, opened thanked everyone for coming out and indicated handouts available at the door. He then requested nominations for Moderator.

- L. McGarr: I'd like to nominate Hank Martin for Moderator.
- M. Lyon: Nominated by Linda McGarr.
- S. Payne: Second.
- M. Lyon: Second, Susie Payne. Any others? All those in favor?
- Audience: Aye.

M. Lyon: Ok, there you go Hank.

Moderator: Thank you Mark.

M. Lyon: Thank you.

Moderator: Hi, good evening, I'd like to call this special town meeting to order. We have two items on the agenda for tonight. Sheila, could you just come up and read the warning please?

Clerk: WARNING, TOWN OF WASHINGTON
SPECIAL TOWN MEETING

The voters and electors of the Town of Washington are hereby warned that a Special Town Meeting will be held on Thursday, March 5, 2015 at 7:30 p.m. at Bryan Memorial Town Hall, Washington Depot, Connecticut to consider and act upon the following:

- 1) To approve the Resolution for a Settlement Agreement between BRRFOC and the Town of Washington with Covanta.
- 2) To approve proposed Ordinance Regarding The Storage, Disposal or Use of Fracking Waste, or Any Derivative Thereof, in the Town of Washington, Connecticut.

Dated at Washington, CT this 23rdth day of February, 2015.
Mark E. Lyon, Richard O. Carey, Jay Hubelbank
Board of Selectmen

Moderator: Thank you Sheila. I'm not used to this new sound system we have upstairs here. I was getting out of the way thinking she would come up to the mic and then I realized there is no mic.

Audience: Laughter.

Moderator: It's over there in the corner of the table, an all directional one, so that's good. We will have, we have two items on the agenda tonight as I mentioned. For each one of them there will be a motion. It will be seconded and then we'll open it up for discussion, any questions or comments anybody has. And, then we'll vote on it and then we'll go home once we finish the second one. So, the only thing I would ask, two things I would ask is that if you have a question or a comment, please raise your hand and I will recognize you. And, when you start to speak, please identify yourself and the street you live on for the purposes of our

recording clerk here who is creating the transcript of the meeting. Even if you think we know you, she's got her head down and it will be really helpful for us for you to mention your name and street. With that, could I have Mark make the motion for the first question on the warning.

M. Lyon: **To approve the resolution for a settlement agreement between BRRFOC and the Town of Washington with Covanta.**

Moderator: Usually before we start with questions or comments, we think it's nice to have the First Selectman do a little of an explanation for what this is about. So, would you?

M. Lyon: We need a second.

C. Canal: Second.

Moderator: Excuse me, yes, second, Carlos, alright.

Clerk: Last name please?

M. Lyon: Carlos Canal.

C. Canal: Canal.

Moderator: Thank you.

M. Lyon: There's a brief explanation at the bottom of the page. This goes back to an agreement between Washington and Covanta Energy which is where we have a contract to take our municipal solid waste in Bristol for incineration and they use that in turn. It's a trash to energy plant. Back in February of 2014 there was a dispute between the operating committee and Covanta over an extended outage which involved some penalties and so on in the contract. That was not settled immediately. It carried over into past July 14th when that contract expired and there was a new contract signed with the individual towns directly with Covanta through a policy board. So, in essence there was, the dispute was resolved. It was agreeable with the original operating committee and the new policy board. Legal counsel from both groups reviewed it. There's a brief outline there. It involves Covanta crediting \$50,000 towards the disputed invoice as well as upping their contribution to the operating policy board for the next twenty years.

The reason it has to be done at a town meeting is because the original agreement was approved at a town meeting in January of

2013 therefore any changes to the agreement have to be made at a town meeting once again. So, that was our first item for our special meeting.

Moderator: Thank you Mark. Are there any questions on this, questions, comments? Anybody against it, for it?

Female: Move the question.

Moderator: Are you ready to vote on it?

Female: Move the question.

Moderator: Ok, I'll tell you what. I think we're ready to vote on it anyhow even without that motion. So if it's ok, if you wouldn't mind withdrawing it?

Female: I will withdraw it.

Moderator: We will save some steps. So, are we ready to vote?

Audience: Yes, yes.

Moderator: **Bunch of nods. Ok, all in favor of the motion that Mark just read and that was seconded, please raise your hands. Ok, put them down.**

Anybody who's against this, that wants to vote no, please raise your hand.

Ok, the motion carries unanimously.

Moderator: Thank you very much. On to question number two and Mark would you like to make the motion for that one as well?

M. Lyon: **Yes, move to approve the proposed Ordinance regarding the storage, disposal or use of fracking waste or any derivative thereof in the Town of Washington, CT.**

M. Greene: Second.

Moderator: Could I have a second? Mary Anne Greene.

M. Lyon: Mary Anne Greene.

Moderator: Mark, would you provide a little bit of a preamble?

M. Lyon:

Yes, the Board of Selectmen was approached by Carlos Canal who is head of the Washington Environmental Council and they did all the leg work on this and put together the proposed ordinance. Currently there is a, in the last legislative session, there was a move to allow or regulate fracking waste in the State of Connecticut. The outgrowth of that was that there is currently a three-year moratorium on storage of fracking waste in the State of Connecticut waiting for DEEP to come up with some guidelines and regulations. The Environmental Council led by Carlos felt that it would be prudent at this time to pass an ordinance in the Town of Washington that banned the storage of fracking waste in the Town of Washington. He came to the Board of Selectmen. We deliberated and we felt that this deserved the merit, at least an airing in a town meeting. So, that's why we're here.

The ordinance itself is in the handout along with some defining ... and I was going to read you the ordinance, if I can get to the right sheet of paper here. So it starts off on the first page that defines the purposes of the ordinance and gives some definitions, but the ordinance itself will be such:

- a) No person shall accept, receive, collect, store, treat, transfer or dispose of any waste or fluid from hydraulic fracturing.
- b) No person shall sell, offer for sale, offer, barter, manufacture, distribute or use any product for anti-icing, de-icing, pre-wetting or dust suppression that is derived from or that contains waste from hydraulic fracturing.
- c) the Selectmen's Office is empowered to issue "Cease and Desist" orders in case of any infraction. It is further empowered to require remediation of any damage done to any land, road, building, aquifer, well, water course, air quality or other asset, be it public or private, within the Town of Washington. It may impose fines in any amounts it deems necessary to deal with any and all infractions against this ordinance.

This was reviewed by David Miles, our town attorney. The original draft was reviewed by him. There were some modifications made and other than the fact that he feels that if it came down to trying to overrule a state regulation, that we may have some issues there, but, other than that, it's a legal ordinance. So, we'll go from there.

Moderator: Thank you, before we start, I just wanted to make sure that everybody has this piece of paper here that is headed "The Town of Washington" and then it has definitions on the front and the ordinance itself on the back which Mark just read. If you, if we can get it on the record that you all have this piece of paper, we don't have to read the whole thing which I think would be expeditious. Does everybody have one? Does anybody need one? There's some of them piled up on that table over there in the corner. Ok, I'm looking for hands. Yes, sir? Would you identify yourself.

E. Mathews: **Ed Mathews, Bee Brook Road, I move adoption of the resolution as submitted.**

Moderator: Ok, we have a sub-motion on the floor now to basically stop all discussion on this and go immediately to a vote. It needs a two-thirds majority and it's not debatable. So by requirements of parliamentary procedures and Robert's Rules, we're going to vote on this sub-motion which means that there'll be no further discussion, no opportunity to express your opinion. We're going to go right to a vote. We're not going to do the actual vote itself. We're going to vote to go to the vote.

Audience: Laughter.

Moderator: Everybody with me on that? Ok, so all in favor of moving the question and going directly to a vote with no further discussion.

Clerk: Excuse me, Hank.

Moderator: Yes.

Clerk: Do you need a second on that?

Moderator: **Oh, I, excuse me, that's right. We did have a sub-motion that needs it's own second. Ok, John Payne has raised his hand. Thank you, Sheila.**

So for this sub-motion going directly to a vote, all in favor please raise your hands. Ok, down.

Any opposed? Ok, there are a few opposed, but the motion carries overwhelmingly and by my eyes far in exceeding the required two-third majority. So there will be no discussion on this, this motion.

Moderator:

Now, having done that, we are now ready to vote on the actual motion which is what the prior has now required us to do with no further discussion. This vote needs to just be a simple majority in order to carry. So, does anybody need me to read the motion again, the one that Mark already read that's on this piece of paper? Ok, we all know what we're voting for.

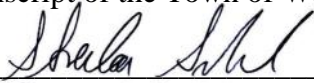
Ok, all in favor of the motion that's on the table that has been seconded, please raise your hands. Ok, please put them down.

Any opposed? Ok, the motion carries and I believe it carries unanimously.

With that the business of this special town meeting is done and I adjourn the meeting.

Meeting adjourned at 7:44 p.m.

I, Sheila Silvernail, certify to the best of my ability the foregoing is a true and accurate transcript of the Town of Washington's Special Town Meeting on March 5, 2015.



Dated at Washington, CT this 6th day of March 2015.