

Ryan Knapp, Chair  
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Judit DeStefano  
Chris Eide  
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## TOWN OF NEWTOWN

### Minutes of the Legislative Ordinance Committee Meeting

The Ordinance Committee met on Thursday October 25th, 2018 in the Municipal Center, 3 Primrose Lane, Newtown. Committee Chairman Ryan Knapp called the meeting to order at 7:10 pm.

Present: Mr. Eide (7:30), Ms. Bloom, Mr. Mattegat, Ms. DeStefano, Mr. Smith and Mr. Knapp. Also Council Chair Mr. Lundquist, Ms. Quinn and Ms. Villamil of the Sustainable Energy Commission, Fred Hurley of Public Works, Former First Selectman Pat Llodra, Deb Zukowski and 38 members of the public.

### MINUTES:

Ms. DeStefano moved to approve the minutes of 8/8/18. Ms. Bloom seconded.

All in favor (5-0)

### PUBLIC COMMENT:

Lynn Hungaski, 29 Valley View Rd. - Stated Plastic is hazardous to the oceans, where it photodegrades, gets into food and has been found in human waste per a PBS report. Feels we should change what we have control over. Stated paper bags in some ways are more harmful and would like to see a combination ban passed.

Vanessa Villamill, 11 Antler Pine Rd. - Ms. Villamill introduced herself as a founding member of the Newtown Environmental Action Team (NEAT.) She met with Pat Llodra to work on bag ban and found that First Selectman Llodra was way ahead of them, offering a binder full of information on the subject comprised of information from her and her interns. NEAT then conducted their own research and contacted those communities with established bans. They found bag bans with charge for paper is best solution because it creates a disincentive from just switching to paper with an ultimate goal of people switching to reusable bags. She said there is bipartisan agreement on the subject. While people have suggested to drop the 10cent charge, a hybrid ban is the best option. Other communities across the state are working on the same sort of ordinances.

Susan Kassirer, 6 Still Hill Rd. - Stated she imagines future generations looking back and questioning what we do, feeling that there should not be a debate. Quoted National Geographic article and mentioned tiny plastic particles have been found in human stool. Said the use of single use bags is recent, starting in the 70's and 80's, and that it is not difficult to bring reusable bags to the grocery. People don't like change but encouraged the committee to consider the consequences. Suggested likening banning plastic bags to seat belt regulations and tobacco control, stating it is a small concession compared to consequences of inaction.

Rowen Villamil presented petition with 493 signatures of HS students.

Tracy Van Buskirk, 18 Poverty Hollow Rd - Said she is a 33 year resident of Newtown and not affiliated with NEAT. Feels any small thing we can do is a help, that we can do our part to correct bad environmental practices, it becomes second nature, and adjustment is easy. Believes this will be a nice add on to recycling program. Would like to see Newtown set the example for CT and country.  
Connie Cooper, 13 Todds Rd - Stated she had just visited Oregon and feels Connecticut is way behind, that we should go further but this is a good start.

Marianne Weston, 12 Whipperhill Rd – Is a member of the Garden Club of Newtown and stated that this will benefit wildlife, fish, etc. Informally she and her husband counted shoppers, saw 29 plastic bags leave the store before she saw a single reusable bag.

Holly Koset, 2 Karen Blvd. - Stated she is the Chair of the Conservation Commission and supports ban, representing the entire commission.

M. McMahon/Schafer, Brookfield – Stated she is the President of Horticulture Club, wants to support this ban and to see it spread as it is so vital.

Rebekah Harriman Stites, 5 Sealand Dr - Said she is impressed by research, is in support of ban and fee, and said this is just one small thing that will make an impact.

Alex Villamil, 11 Antler Pine Rd – Read a letter from Greenwich from Jeanine Varagets which speaks to importance of a fee for paper bags.

Pat Llodra, 90 Riverside Rd – Discussed the history of her office looking into this, beginning by looking for evidence of harm done to any community that has adopted a bag ban, such as Wetport, Cali, Oregon and more, always asking if the stores were harmed? The answer was always no. Newtown has solid values of stewardship and responsibility. This will send a message to the next generation and is not a heavy lift. She feels the hybrid model is the correct approach.

Carole Hart, 25 Sugar St. - Said that she is originally from England where she witnessed a bag ban, and found it was successful. She is encouraging friends in Bethel to do same.

Ben Alby, 4 Ridge Rd. - Feels this should be done and that the longer we wait the worse it gets.

Trip Killin, 71 Sugar lane. - Echoed the sentiments of others. Works in philanthropy in his day job with water quality and said the issues are real. Long Island Sound ecosystem services are 1.3 T \$ will continue to invest. This is a way to invest without spending money.

Jennifer Killin, 71 Sugar Lane. - Echoed the comments of others. She noted that flooding can happen when debris clog storm drains and this can include bags. She stated she has traveled a lot and a bag ban becomes second nature, with lots of places charging and they think nothing of it. Said that stores bare cost of providing bags and this should be a savings to them. Feels this should be no brainer.

Fred Hurley, Public Works Department - Provided practical information and said that there is no opposition from the solid waste industry. He discussed material handling equipment that failed many years ago because it would get gummed up with plastic bags. He also noted contamination of recyclables and garbage as problems and reiterated that the industry has no issue with bags going away. He also feels it is a practical thing to do.

Connie Sullivan, 1 Drummers Lane. - Said she is employed by a small company, that this works for small local business and would not be burdensome, rather a Win/Win.

Beth Kruger, Redding Resident – Said she is impressed by the turnout, and has heard from the President of the CT Food Alliance about this. They can see an 80% waste reduction. She noted that Big Y has signs they can put out reminding shoppers to bring their reusable bags and that they already have this in Mass. Finished by saying that Newtown has an opportunity to be a trailblazer on this issue.

## Old Business

Out of respect for the audience, Mr. Knapp asked to take the agenda items out of order

Review and Recommendation regarding the proposed Plastic Bag Ban Reduction Ordinance per the charge set forth by the Legislative Council on April 18<sup>th</sup>, 2018.

Ms. DeStefano began by summarizing the work done to date, including reviewing a binder of information from former First Selectman Pat Llodra, doing our own research, other town's ordinances as models, and deliberation. Since the last meeting she has worked on definitions, which she discussed and the Google Document.

Mr. Knapp said that because the audience may be unfamiliar with the nuances of the process, that the group should probably start broadly and zoom in. He gave a brief overview of the ordinance process per the Charter and explained the intent of the ordinance would be to eliminate the use of plastic bags while incentivizing reusable bags as a better option over paper bags.

Ms. DeStefano added that there would be a charge for paper bags of 10 cents as other towns do. That this would encourage the sale of reusable bags and act as a deterrent. Stamford has language about the bags showing up on the receipt which she added to the draft. No part of the draft says people are not allowed to bring bags to the store.

Mr. Edie asked if the cost could be something set by resolution of the Legislative Council.

Mr. Knapp was disinclined towards that and would like to see the language say "at least 10 cents" adding that if the group goes this direction, they should not be mandating stores to charge what is likely below cost.

Mr. Smith added that the charge will not be a tax.

Mr. Knapp agreed saying that the funds would go to the stores, and added that the group could create a special revenue fund should the Town collect the charges, but that most members of the group seemed to be against creating another revenue stream and it being viewed as a tax.

Ms. DeStefano moved onto the elimination of the square foot requirement stating that everyone can do it.

Mr. Smith reiterated what the group was told from the assessors that they assess the building and not the units so the Town does not have actual store size data.

Mr. Mattagat was concerned that the Health Department had been concerned about staffing and administration, and this would dramatically expand the scope.

Ms. DeStefano discussed Greenwich's ordinance which puts the responsibility on the Conservation Commission to observe and report, noting that there are a lot of watch dogs in the room. She then added that the language about exempting people on assistance from the charge was removed because it is difficult to put that on stores, suggesting donating reusable bags as an alternative.

Mr. Mattagat countered that people on assistance should be helped and not have to pay for paper bags. It is easy for a cashier to identify them as they have a card they use to pay. He suggested the group check with the stores on this issue.

Mr. Smith proposed dealing with this outside the ordinance with a donation effort and offering free reusable bags at some location.

Mr. Smith asked how this expanded ordinance will deal with restaurants and take out bags.

Ms. DeStefano said it would exempt restaurants and likely need an exemptions section.

Mr. Knapp noted that when he did a stream cleanup with the Pootatuck Watershed Association, he found dozens of restaurant bags in the river. He would be interested in seeing how other towns handle this.

Mr. Mattegat noted that plastic bags from a store and ones from a restaurant are just as bad, and that many grocery stores act like restaurants, serving food.

Mr. Edie asked how gift bags are treated and noted that people often pay for them.

Mr. Mattegat asked questions about enforcement.

Ms. DeStefano explained that she spoke with Legal and the max violation fee is \$250. This would currently be administered by the Health Department, unless there is someone else better to designate. The first offense is a warning, then \$100, then \$250 in the current draft.

Mr. Knapp suggested that an appeals process should reference an established appeals process from one of our other ordinances so we move to being consistent. Fire Lanes seems to be the default. He asked if the fines were per offense or per day and suggested that is something the group should clarify in the definitions. Mr. Edie suggested perhaps the group could use "per incident"

Mr. Lundquist added that he would like to have the flexibility for leniency if working toward compliance.

Mr. Knapp summarized the action items of speaking to Legal, the First Selectman's Office and Health Department, investigating how stores would scan bags and deal with people on assistance programs, and researching how other towns handle restaurants and gift bags. Ms. DeStefano will take the lead on these.

Review and Recommendation regarding the prohibition of storage, disposal or use of fracking waste per the charge set forth by the Legislative Council on February 7<sup>th</sup>, 2018.

Mr. Knapp shared the David Dobin reviewed language which is based on the Food and Water Watch version already approved by 50 communities that he had expected to act on before the CCM concerns were raised. He has done extensive research.

Mr. Hurley of Public Works said the CCM allegations are nonsense and has no issue with the first version of the ban. It has caused no project delays that he is aware of.

Mr. Knapp made a motion to recommend the Final Draft of the Fracking Waste Ban Ordinance to the Legislative Council. Mr. Smith seconded.

Mr. Smith commented that the group has done its due diligence in vetting this.

Motion passed (6-0)

## **NEW BUSINESS**

Review and recommendation regarding the update to the solid waste and recycling ordinance per the charge set forth by the Legislative Council on October 3rd, 2018

Mr. Hurley spoke to the task at hand and that he is working with Dave Grogins on reconciling our ordinance with the HRRRA model. In some area's Newtown's ordinance goes further than the model and they do not want to cut off the intent of the prior Legislative Council. These will be melded into an upgraded recycling ordinance. Responding to Mr. Mattagat's question he noted that in 30 years since Newtown did it's ordinance there have been changes in statutes that need to be reconciled. He will try to have information for our next meeting.

Mr. Knapp suggested a member of the group work with Mr. Hurley and Mr. Grogins to and report back which will make scheduling and sharing of information easier.

Mr. Lundquist raised timing concerns.

Mr. Knapp added that the Charter process is explicit, but we should be able to begin that process by the deadline. Mr. Smith will take point on this and work with Mr. Hurley and Mr. Grogins. We will try for another meeting in two weeks.

## **OLD BUSINESS**

Review and Recommendation regarding the issue of discrepancy between the Charter Revision Commission intent and the applicable State Statute regarding Board of Education candidate composition per the charge set forth by the Legislative Council on April 18<sup>th</sup>, 2018.

Mr. Eide said he has been playing phone tag with Attorney Grogins. The Secretary of State's office has said they will review the Town Attorney's opinion and have not given a clear path forward.

Mr. Knapp was concerned that if this is not something that can be accomplished by ordinance with certainty, than we should recommend to the Council that a Charter Revision is warranted.

Ms. Zukowski had a concern that it would not be set in time for the 2019 elections.

Ms. DeStefano suggested talking to David Dobins if he is more available.

Mr. Knapp stated that the group will revisit this at our next meeting and if there is no answer than the group may want to consider recommending a Charter Revision with a narrow charge for this and Emergency Appropriations.

PUBLIC COMMENT: None.

Ms. DeStefano moved to adjourn the meeting at 9:30PM, Mr. Smitch seconded. All in favor (6-0)

Respectfully Submitted,

Ryan W. Knapp  
Ordinance Committee Chairman