

**TOWN OF DARIEN  
BOARD OF SELECTMEN  
REGULAR MEETING  
TUESDAY, SEPTEMBER 6, 2011**

**ATTENDANCE:** 1<sup>st</sup> Selectman David Campbell; David Bayne;  
Gerald Nielsen; Jayme Stevenson; Callie Sullivan

**STAFF:** Karl Kilduff, Administrative Officer

**OTHERS:** Hannah Carmody, DHS; Victoria Holt; Nina Miller

**CALL TO ORDER**

1st Selectman Campbell called the meeting to order at 7:45 p.m.

**FIRST SELECTMAN'S REPORT**

1st Selectman Campbell spoke about Hurricane Irene, where he spent most of the past week. He thanked Selectman Bayne and Selectman Nielsen for setting up cots, and greeting the 33 people as they arrived at the shelter. He thanked Selectman Stevenson for staying overnight at the shelter, which was set up in the lower gymnasium of Darien High School. He thanked the Darien High School custodial and kitchen staff that did a great job helping the residents by serving breakfast and lunch and cleaning up the puddles from the leaky roof. After the storm left on Sunday afternoon, 77 roads were closed by trees and wires, and 75% of the town was without power.

The Department of Public Works, led by Mr. Robert Steeger and Mr. George Swift, had a good game plan of coordinating the outside contractors and CL&P. In the first 24 hours, they had cleared 55 roads and 50% of the power was restored. The first day was spent opening roads and making sure all live wires were turned off. The next 48 hours was spent restoring power and clearing roads. He thanked Selectman Sullivan, Selectman Stevenson, and Selectman Nielsen for all their efforts in sending out clear communication. The Board of Education, Superintendent, Public Works, and CL&P made the decision Tuesday night to have schools open on Thursday. He reported that on Thursday, there were no incidents with school buses, and 90% of the power had been restored to the town. He visited the last three homes without power on Monday morning. He thanked all the residents for their patience and understanding. The Police Department, Fire Department, EMS and Public Works worked tirelessly to restore control and order to the town. He especially thanked Mr. Mike Diaz, Manager of Operations at CL&P, who was in constant communication with the town officials from the beginning to the end. He said that they can improve their efforts with regards to sheltering. He urged all residents who have not already subscribed to Code Red to get to Town Hall and subscribe. It currently has 7900 subscribers.

1<sup>st</sup> Selectman Campbell clarified that Allen O'Neill did get funding from the State, which begins after 1/1/12, and it appears that there are two separate funding streams.

### **ADMINISTRATIVE OFFICER'S REPORT**

Mr. Kilduff said as a result of the recent power outage, they had an opportunity to reconcile the electricity account. He said they are fully prepared to move forward in a reverse auction for electricity procurement later this year.

He said the grant reports going to Hartford now require changes to reflect the reorganization.

### **PUBLIC COMMENT**

Ms. Hannah Carmody read the following from her prepared letter:

Good evening, I'm Hannah Carmody, a member of the Eco-Citizens club at Darien High School and the Class of 2012. As part of our AP Environmental Sciences project, in March of this year, we teamed up with Choose to Reuse in Darien and focused on single use plastic shopping bag usage in the town of Darien. We presented the results of our project to you on April 11<sup>th</sup>.

Our project had two components:

- 1) We surveyed Darien merchants to understand how shopping bags were being used and
- 2) We wrote a petition in support of a ban on single use plastic shopping bags in Darien, and circulated it at Darien High School.

The results of the survey showed that most of the locally owned businesses in Darien have already chosen to use paper shopping bags exclusively and for the remainder that did use plastic shopping bags, many of them said that making the switch to paper-only retail bags will not pose a significant hardship.

The petition that was signed by many Darien High School students showed us that the overall consensus was that students want to see an ordinance passed that would ban the use of single use plastic shopping bags.

As members of the younger generation, if this ban were put in place we would be bringing positive change to the environment and to the world, a change that would deeply affect our future. Please think this over carefully. By making this decision now, you will be making a decision for all of us. As our role models, protectors, and decision makers,

please do not leave us burdened with a mess that we have no power to oppose or to eliminate.

Thank you for nurturing us and providing us with a safe and beautiful town. And thank you for giving us a clean environment that we, following in your footsteps, will safeguard forever.

Sincerely, DHS Eco-Citizens Team

Ms. Victoria Holt read a prepared letter from Sophie & Thomas Murphy, a copy of which is attached.

Ms. Holt then added her own comments, saying that she understands people don't want their freedom of choice taken away. Freedom of choice is a good reason not to ban the plastic bags. She feels that the many damaging effects of plastic bags on the environment is the best reason to go forward with the ban, and the best choice for the future.

Ms. Nina Miller thanked everyone involved for their efforts during the recent hurricane. She cited many statistics related to plastic bag use and the longlasting damage done to the environment, sea and wildlife. She said she hopes to see plastic bags taken out of the equation.

### NEW BUSINESS

#### a) Discuss Possible Ordinance Banning Plastic Retail Checkout Bags

Mr. Bayne said he felt that Town Counsel's version of the ordinance was more than adequate. The second fine would be after 90 days. The maximum fine would be \$600/year. His proposal is to identify the Health Department as the enforcer of the ordinance.

1<sup>st</sup> Selectman Campbell and the Selectmen discussed the revised ordinance and offered comments regarding how the definitions of the bags were stated in the ordinance, i.e. lighter vs. heavier, paper vs. plastic, quantities and weight. Ms. Stevenson mentioned that there should be specific criteria for the merchants. It was mentioned that the ordinance can always be revised. Mr. Nielsen said he could support the cause, but he said he is having a hard time supporting the ban at the local and retail level. He wondered how it would be enforced. Mr. Bayne felt it would be important to have Darien possibly be the 2nd town in the State to pass this ordinance. He suggested that it be passed on to the RTM for their review. Ms. Stevenson said that she is not in support of banning plastic bags, but would be in support of passing it on to the RTM. 1<sup>st</sup> Selectman Campbell said that he as a retailer, has a problem with the ordinance in general, and would love to have Darien use the plastic bag ban voluntarily. Ms. Stevenson said that a voluntary ban should have been put in place

even without 100% participation. She said that others will join in, and it will become a systemic change. Mr. Nielsen said that the expenses cannot be added on to the merchants. Ms. Sullivan said that she is interested in making the correct changes now to protect the environment for future generations. Ms. Stevenson read her prepared letter, a copy of which is attached.

Mr. Kilduff explained that proposing to have the Health Department enforce the ordinance could be difficult, as they are down to two employees. It would become a matter of priority as to what calls the Health Department would be answered first.

**\*\* MS. SULLIVAN MOVED TO AMEND THE AGENDA TO ADD THE FOLLOWING RESOLUTION.**

**\*\* MR. BAYNE SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**\*\* MS. SULLIVAN MOVED TO APPROVE THE FOLLOWING RESOLUTION THAT THE RTM CONSIDER, DEBATE AND VOTE ON A PLASTIC BAG BAN PROPOSED BY CHOOSE TO REUSE. THE BOARD OF SELECTMEN IS FORWARDING A DRAFT ORDINANCE PREPARED BY TOWN COUNSEL FOR THE RTM'S CONSIDERATION AND RECOMMENDATION THAT THE HEALTH DEPARTMENT BE CHARGED WITH THE RESPONSIBILITY OF ENFORCING THIS ORDINANCE.**

**\*\* MR. BAYNE SECONDED.**

**\*\* MOTION PASSED WITH FOUR (4) VOTES IN FAVOR (BAYNE, CAMPBELL, STEVENSON, SULLIVAN) AND ONE (1) VOTE OPPOSED (NIELSEN).**

Ms. Stevenson stated that she was not in favor of the ordinance, but voted in favor of the resolution being passed on to the RTM and requested that her prepared letter (attached) become part of the record.

b) Discuss and Take Action on Resolution Authorizing and Directing the First Selectman to Execute a Grant Agreement with the Department of Transportation for Elderly and Disable Demand-Responsive Transportation

**\*\* MS. SULLIVAN MOVED TO APPROVE THE RESOLUTION AUTHORIZING AND DIRECTING THE FIRST SELECTMAN TO EXECUTE A GRANT AGREEMENT WITH THE CONNECTICUT DEPARTMENT OF TRANSPORTATION FOR ELDERLY AND DISABLE DEMAND-RESPONSIVE TRANSPORTATION WHEREAS, THE STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION PROVIDES GRANT FUNDING TO SUPPORT THE TRANSPORTATION NEEDS OF ELDERLY PERSONS AND PERSONS WITH DISABILITIES; AND**

**WHEREAS, THE TOWN OF DARIEN IS ELIGIBLE FOR FUNDING UNDER THIS GRANT PROGRAM TO SUPPORT THE CAPITAL NEEDS OF THE GALLIVANT TRANSPORTATION PROGRAM; AND WHEREAS, THE DARIEN BOARD OF SELECTMEN WISHES TO SECURE SUCH GRANT FUNDING.**

**NOW, THEREFORE, BE IT RESOLVED THAT, THE DARIEN BOARD OF SELECTMEN HEREBY AUTHORIZE AND DIRECT FIRST SELECTMAN DAVID CAMPBELL TO EXECUTE ALL NECESSARY AGREEMENT/CONTRACT DOCUMENTS ON BEHALF OF THE TOWN OF DARIEN FOR THE ABOVE REFERENCED GRANT WITH THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF CONNECTICUT AND TO AFFIX THE CORPORATE SEAL.**

**\*\* MS. STEVENSON SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

### **AGENDA REVIEW**

1<sup>st</sup> Selectman Campbell said the Facilities Review will be on next month's meeting agenda.

### **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

Regular Meeting of August 22, 2011

The corrections to the regular meeting of August 22, 2011:

On page 1, under ATTENDANCE, list Gerald Nielsen as present.

On page 2, under PUBLIC COMMENT, the 1<sup>st</sup> paragraph, 1<sup>st</sup> sentence, should read: "Mr. Frank Adelman, of Harriet Lane East, an RTM member from District 6, read the following prepared letter into the record, a copy of which is attached." The entire letter can then be struck from the record.

On page 3, under NEW BUSINESS, Discuss Possible Ordinance Banning Plastic Retail Checkout Bags, 1<sup>st</sup> paragraph, the 2<sup>nd</sup> sentence should read: "He said for several years now they have offered a 5 cent reusable bag at the checkout." to "He said for several years now they have offered a 5 cent rebate for using reusable bags."

On page 3, under NEW BUSINESS, Discuss Possible Ordinance Banning Plastic Retail Checkout Bags, 1<sup>st</sup> paragraph, 4<sup>th</sup> sentence, change "He cited the potential increase in insurance and health care costs, and paid sick leave, as a cost that the supermarket is responsible for, therefore making the Choose to Reuse ban not unaffordable." to "In addition to increased costs of offering only paper bags, he cited the potential increase in

insurance and health care costs, and paid sick leave, as a cost that the supermarket is responsible for, therefore making the Choose to Reuse ban not affordable.”

On page 3, under NEW BUSINESS, Discuss Possible Ordinance Banning Plastic Retail Checkout Bags, 3<sup>rd</sup> paragraph, the 1<sup>st</sup> sentence should read: “Mr. Stan Sorkin, President of the Connecticut Food Association, read the following from his prepared letter, a copy of which is attached.”

On page 5, 3<sup>rd</sup> paragraph, change “Mr. Sunil Sakseena read from his prepared letter:” to “Mr. Sunil Sakseena read from his prepared letter, a copy of which is attached.”

On page 8, 3<sup>rd</sup> paragraph, change “Ms. Sandy Filmer read from her prepared letter:” to “Ms. Sandy Filmer read from her prepared letter, a copy of which is attached.”

On page 9, 4<sup>th</sup> paragraph, change “Mr. Martin Nader” to “Mr. Martin Maydor”, and change “He said that the Sierra Club is fully in support of the ban on plastic bags.” To “He said that the Sierra Club is fully in support of a local ban on plastic bags.”

On page 9, 5<sup>th</sup> paragraph, the 1<sup>st</sup> sentence should read: “Mr. Louis Birch of the Citizens Campaign for the Environment said the large consumer stores started using plastic bags in 1974 and widespread adoption started in 1977.”

On page 9, 5<sup>th</sup> paragraph, 2<sup>nd</sup> sentence, change “202” to “2002”.

On page 10, under item 2, 2<sup>nd</sup> paragraph, 4<sup>th</sup> sentence, change “Miek” to “Mike”.

On page 10, under item 2, 2<sup>nd</sup> paragraph, the 6<sup>th</sup> sentence should read: “It was recommended at the last meeting that we look into using Hardie Shingles”.

On page 10, under item 2, 2<sup>nd</sup> paragraph, 7<sup>th</sup> sentence, change “he” to “Mr. Hauck”.

**\*\* MR. NIELSEN MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF AUGUST 22, 2011 AS AMENDED.**

**\*\* MR. BAYNE SECONDED.**

**\*\* MOTION PASSED WITH FOUR (4) VOTES IN FAVOR (BAYNE, CAMPBELL, NIELSEN, STEVENSON) AND ONE (1) VOTE ABSTAINED (SULLIVAN).**

### FORTHCOMING MEETINGS

September 13, 2011	Planning & Zoning Commission General Meeting at 8:00 p.m.
September 13, 2011	Board of Education Regular Meeting at 7:30 p.m.
September 14, 2011	Parks & Recreation Commission Regular Meeting at 7:30 p.m.
September 19, 2011	Board of Selectmen Regular Meetings at 7:45 p.m.

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**OTHER BUSINESS**

(Any items added to the agenda require a two-thirds vote)

**ADJOURNMENT**

**\*\* MS. STEVENSON MOVED TO ADJOURN.**

**\*\* MR. BAYNE SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Carolyn Marr  
Telesco Secretarial Services

**Sophie and Thomas Murphy  
68 Salem Straits  
Darien, CT 06820**

August 28, 2011

**RE: Choose To Reuse**

To the Editor:

We strongly support the initiative to ban plastic retail check out bags in the town of Darien. We believe these bags are a convenience that will leave an undesirable legacy for generations to come. Even if one is mindful about plastic bags and uses them a second time for lining a garbage pail or picking up dog refuse, these bags will still end up somewhere. And whether that somewhere is an East Coast landfill, Long Island Sound, the Atlantic ocean, the other side of the world or on the side of Tokeneke Road, they still will end up somewhere and will remain that way for hundreds of years.

Naysayers have come up with many reasons to undermine the effort to reduce plastic bag use around the globe -- from carbon footprint studies to claiming that reusable bags are breeding grounds for bacteria. (On the latter point, we think most of us would be horrified to see what a swab of our keys would reveal.) But for us, bringing our own bags when we shop is one simple way that our family can easily reduce the amount of plastic that we consume and will be leaving for others long after we are gone.

These are tough economic times. But now more than ever we need to be looking forward and recognizing that our throw-away model of living may no longer be suitable for today's global environment.

Why a ban? Because routines, habits and long accepted conveniences can be difficult to change and a ban will immediately encourage modifications in behavior. A ban also sends a strong message that our community, which is blessed with so much and which consumes so much, also cares about and acknowledges its responsibility and role in the stewardship of this planet.

We urge our community to support this initiative.

Sincerely,

Tom and Sophie Murphy

Jayme Stevenson, Selectman

9/6/11

I've prepared this statement so that I may be clear on my opinion regarding a local ordinance to ban single use grocery bags.

First, I would like to publicly thank the "Choose to Reuse" group for the time you've spent researching and organizing your stand on single use plastic bags. The negative effects of plastic waste of all types on our environment cannot be disputed. Your efforts have clearly begun to raise awareness of the need for people to consider the consequences of their decisions - even what may seem the most insignificant decision to ask for a bag at the grocery store. In particular, I want to thank the students who have worked with you on your project. Our decisions will impact their lives the most and their concern for the environment bodes well for the future.

I am a practicing environmentalist. I recycle everything - clothes, plastics, newspapers, batteries, ink cartridges - even dry cleaning hangers. I constantly remind my kids to recycle and clean up litter they see on the streets. I believe it's my responsibility to educate my kids about caring for our environment. My family built an environmentally conscience home that recycles rain water and energy and was built with sustainable and energy-saving materials. This was our choice. We took Personal Responsibility for the impact our new home would have on our local environment.

Personal responsibility is what I see as the critical factor in successfully changing peoples' behaviors regarding the use of single use plastic bags. The town in partnership with your organization and local merchants can bring about the desired changes if we give education about it a chance. It certainly won't happen overnight. But a dedicated, long-term plan and creative marketing will make a positive difference. It is a win-win for everyone - merchants, customers and the environment - if people Choose to Reuse. Your name in and of itself embodies one of the fundamental reasons I cannot support a government mandated ban on plastic bags - choice. "Choice" is a fundamental right on which our country was founded. Let's choose to be smart, let's choose to recycle, let's choose to not take bags when we really don't need them.

Further, my job as a Selectman is to support Darien taxpayers and merchants. This ban would have, as documented by several of Darien's family-owned businesses, at least for the short term, a very negative financial impact. Big box stores can absorb these costs but Palmers, Darien News and Mama Carmella's cannot. I believe part of my job is to help protect their interests and support their ability to thrive here in Darien. Many merchants are willing to voluntarily ban plastic bags - let's embrace this and others will undoubtedly follow suit.

This issue is not solely a Darien issue. Darien is an educated, discerning community and does a great job with recycling - just come to the dump any weekend and witness it yourself. We don't have litter on our streets and we don't have bags clogging our drainage systems. This issue is global and we should continue every effort to educate people to "choose" wisely. We all need to do our part by taking personal responsibility for our choices. I will gladly join your efforts to educate our residents about the perils of plastic bags but personal choice and the concerns of merchants are why I cannot vote for the proposed ordinance.

and  
human  
health