

**MINUTES  
REPRESENTATIVE TOWN MEETING  
SEPTEMBER 24, 2012**

**RECEIVED  
OCT - 1 2012  
TOWN CLERK'S OFFICE  
DARIEN CT.**

**CALL TO ORDER**

A Regular Meeting of the Representative Town Meeting was called to order at 8:05 p.m. by Donna Rajczewski, Town Clerk.

Upon Roll Call, the following members were present:

From District I, there were 14 members present, 3 absent.  
From District II, there were 12 members present, 2 absent.  
From District III, there were 14 members present, 4 absent.  
From District IV, there were 14 members present, 0 absent.  
From District V, there were 14 members present, 2 absent.  
From District VI, there were 15 members present, 0 absent.

The absentees from District I were: Firmin, Schwarz, Sini.  
The absentees from District II were: Maguire, Marston.  
The absentees from District III were: Brode, Martens, Smith, Young.  
The absentees from District V were: Dailey, Sharp.

The Moderator, Karen A. Armour, assumed the Chair, and reminded everyone that the meeting would be conducted according to Roberts Rules of Order.

**ACCEPTANCE OF THE AGENDA**

**\*\* THE AGENDA WAS ACCEPTED BY UNIVERSAL CONSENT.**

**ANNOUNCEMENTS**

**STATUS OF RTM PORTION OF THE NOVEMBER 6, 2012 BALLOT**

Mrs. Rajczewski advised everyone as follows:

District I has 10 vacancies, 4 candidates  
District II has 14 vacancies, 10 candidates  
District III has 7 vacancies, 10 candidates  
District IV has 7 vacancies, 4 candidates  
District V has 10 vacancies, 7 candidates  
District VI has 10 vacancies, 5 candidates

**AMEND REDISTRICTING RESOLUTION (12-3)**

**CONSIDERATION AND ACTION ON PROPOSED REDISTRICTING OF TOWN'S SIX VOTING/RTM DISTRICTS, INCLUDING PROCESS FOR 2012 ELECTIONS OF RTM MEMBERS**

**\*\* SARAH SEELYE, DISTRICT II, CHAIRMAN OF TGS&A, MOVED:**

**WHEREAS**, a plan of redistricting affecting the 141<sup>st</sup> House of Representatives District has been adopted by the State of Connecticut; and

**WHEREAS**, the changes to the district boundaries for the 141<sup>st</sup> House of Representatives District require modification of Darien voting district boundaries; and

**WHEREAS**, at a meeting of the RTM held March 19, 2012, it approved a resolution redrawing voting district lines and district boundaries in the 141<sup>st</sup> House of Representatives District; and

**WHEREAS**, the Town Clerk, on about or about Thursday, September 6, 2012 received notice from the Connecticut Secretary of State that there were 165 voters who were returned to District 1 in the 141<sup>st</sup> House District who had been erroneously moved to District 3 in the 147<sup>th</sup> House District; and

**WHEREAS**, it is therefore necessary to amend the RTM resolution adopted March 19, 2012.

**BE IT AND IT IS HEREBY RESOLVED** that the new Voting District Boundaries of the Town of Darien are revised as shown in the attached map dated September 10, 2012, which is attached hereto and made a part hereto; and

**WHEREAS**, all other provisions of the resolution of March 19, 2012 remain unchanged.

**\*\* THE MOTION WAS SECONDED FROM THE FLOOR.**

Mrs. Seelye read the report of TGS&A (attached).

**\*\* ITEM 12-3A CARRIED ON A RISING TALLY VOTE OF 78 IN FAVOR, 0 OPPOSED, 1 ABSTENTION.**

**12-15**

**CONSIDERATION AND ACTION ON AN AMENDMENT TO DARIEN'S CODE OF ORDINANCES REGARDING PLANNING & ZONING SCHEDULE OF FEES**

**\*\* SARAH SEELYE, DISTRICT II, CHAIRMAN OF TGS&A, MOVED:**

**WHEREAS**, the Representative Town Meeting of the Town of Darien has the authority to amend its Code of Ordinances; and

**WHEREAS**, discussions have been held regarding the need to update that section of the Darien Code dealing with the fees for the processing of applications by the planning and zoning

commission, the zoning board of appeals, the environmental protection commission and the architectural review board; and

**WHEREAS**, this resolution amends existing Section 54-22 of the Darien Code of Ordinances by repealing the existing Section 54-22 and adopting a new Section 54-22 schedule of fees and;

**BE AND IT IS HEREBY RESOLVED** that the Representative Town Meeting of the Town of Darien hereby amends Section 54-22 of the Darien Code of Ordinances as more specifically set out in the document attached hereto and made a part hereof.

**Sec. 54-22. Schedule of fees.**

The RTM shall establish and maintain a schedule of reasonable fees for the processing of applications, by the planning and zoning commission, the zoning board of appeals, the environmental protection commission and the architectural review board. Such schedule shall supersede any specific fees set forth in the general statutes, or by any special act, or as established by a planning commission under C.G.S. 8-26. These land use boards are hereby authorized to implement said application fee schedule for the processing of applications and are authorized to include and refer to said schedule of fees in their respective regulations as those land use boards deem necessary.

**\*\* THE MOTION WAS SECONDED FROM THE FLOOR.**

Mrs. Seelye read the report of TGS&A (attached).

Bruce Orr, District V, Chairman of the Finance & Budget Committee, read the report of that committee (attached).

**\*\* ITEM 12-15 CARRIED ON A RISING TALLY VOTE OF 79 IN FAVOR, 0 OPPOSED, 0 ABSTENTIONS.**

**12-16**

**CONSIDERATION AND ACTION ON AN AMENDMENT TO CHAPTER X OF DARIEN'S CHARTER REGARDING DEPARTMENT OF HEALTH & SOCIAL SERVICES**

**\*\* SARAH SEELYE, DISTRICT II, CHAIRMAN OF TGS&A, MOVED:**

**WHEREAS**, discussions have been held regarding the need to amend Chapter X of the Town Charter which relates to the Department of Health and Social Service; and

**WHEREAS**, this proposed resolution would amend Sections 35 – 37 and add language to what had been a reserved Section 38 of the Darien Town Charter; and

**WHEREAS**, a public hearing pursuant to Section 98 of the Charter was duly noticed and held on July 23, 2012 concerning the proposed Amendment to the Darien Town Charter.

**BE AND IT IS HEREBY RESOLVED** that the Representative Town Meeting of the Town of Darien in accordance with Section 98 of the Darien Town Charter amends said Act and in particular amends Chapter X of the Town Charter in a manner as more particularly set out in the amendment attached hereto and made part hereof.

## **CHAPTER X. - DEPARTMENT OF HUMAN SERVICES<sup>[6]</sup>**

### Sec. 35. Commissioners of human services.

The human services commission shall consist of seven (7) commissioners appointed for three (3) year staggered terms commencing the second Monday in November in the year of appointment.

- (a) The commission shall annually elect a chairman, a vice-chairman and a secretary by a majority vote of its membership.
- (b) No votes or action will be valid unless adopted by affirmative votes of a majority of the commissioners taken during a meeting. The vote of each commissioner shall be noted and recorded.
- (c) The commission shall hold regular monthly meetings except in months when the commissioners determine that no regular meeting need be conducted.

### Sec.36. Powers and duties of the human services commission

The human services commission shall study community human service needs and emerging issues across all ages and income groups, provide a public forum for citizen input, and make recommendations to the human services department and the first selectman.

### Sec. 37. Department of human services.

- (a) The department of human services shall be charged with identifying the present and future needs for human services in the town. It shall report and make recommendations concerning those needs to the human services commission and the board of selectmen.
- (b) The department shall be charged with coordinating and providing public assistance in the town as provided under the general statutes. The department shall assume all powers and duties to act on behalf of the town in relief matters in conjunction with local agencies, the state and the federal government.

### Sec. 38. Annual operating budget and receipt of gifts.

- (a) The director of human services shall review the annual operating budget of the department and suggest changes to it as necessary to address the human service needs of the town. The proposed annual operating budget will be reviewed by the human services commission and shall be submitted to the town administrator.
- (b) The Commission may accept gifts as prescribed in chapter 2, article II, Section 2-33 of the Darien Code of Ordinances.

FOOTNOTE(S):<sup>(6)</sup> **Editor's note**— A resolution of Jan. 23, 1995, deleted former Ch. X, §§ 35—38, and added a new Ch. X, §§ 35—37. Former Ch. X pertained to similar subject matter, and derived from a resolution of Jan. 22, 1973

**\*\* THE MOTION WAS SECONDED FROM THE FLOOR.**

**\*\* SARAH SEELYE, DISTRICT II, CHAIRMAN OF TGS&A, MOVED TO DELETE THE WORD "HEALTH" FROM THE RESOLUTION.**

**\*\* THE MOTION WAS SECONDED FROM THE FLOOR.**

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

Carolyn, Schoonmaker, District IV, Chairman of the Public Health & Safety Committee, said that the committee had no report,

**\*\* ITEM 12-16 CARRIED ON A RISING TALLY VOTE OF 79 IN FAVOR, 0 OPPOSED, 0 ABSTENTIONS.**

### 12-17

### CONSIDERATION AND ACTION ON AN AMENDMENT TO CHAPTER III OF DARIEN'S CHARTER REGARDING ADMINISTRATIVE OFFICER

**\*\* SARAH SEELYE, DISTRICT II, CHAIRMAN OF TGS&A, MOVED:**

#### **Primary – TGS&A**

**WHEREAS**, discussions have been held regarding the need to revise the description of the duties and responsibilities of the Town Administrator; and

**WHEREAS**, a public hearing pursuant to Section 98 of the Town Charter was duly noticed and held on July 23, 2012 concerning the proposed Amendment to the Darien Town Charter

**BE AND IT IS HEREBY RESOLVED** that the Representative Town Meeting of the Town of Darien in accordance with Section 98 of the Darien Town Charter amends said Act and in particular amends Chapter III, Section 16 of the Town Charter in a manner as more particularly set out in the document attached hereto and made part hereof.

### **CHAPTER III. BOARD OF SELECTMEN**

#### **Sec. 16. Town Administrator.**

(a) The board of selectmen shall appoint the town administrator, who acts as chief administrative officer of the town and serves at the pleasure of said board. The town administrator shall have had training and experience in the administration and management of municipal government.

(b) The town administrator shall:

(1) Perform such duties as the board of selectmen may from time to time determine. These duties may include administrative and supervisory responsibilities within the authority of the board of selectmen and under the supervision of the first selectman in respect to any and all personnel and management functions provided for in the approved budget of said board, but reserving always to the board of selectmen the final responsibility for policy and for review of viewpoints which department heads and other members of the staff may desire to bring before the first selectman or the full board of selectmen.

(2) Prepare a preliminary annual budget request to include all estimated town expenditures not including expenditures of the board of education. Each department head and agency supported wholly or in part from town funds, or for which a specific town appropriation is made, shall file with the town administrator a detailed estimate of the expenditures to be made by that department or agency and the estimated revenue, other than tax revenues, to be collected by each in the ensuing fiscal year. This preliminary annual budget request shall be submitted to the town administrator for review and adjustment by the board of selectmen.

(3) Serve as assistant purchasing agent for the town and be responsible for administering and recommending amendments to ordinances and related regulations pertaining to procurement and purchasing.

(4) Administer and coordinate the operations of the departments and agencies under the authority of the board of selectmen.

(5) See that programs to evaluate employee performance are established and carried out, and make recommendations relating thereto to the board of selectmen for action.

(6) Carry out such other duties as the first selectman shall assign, where such duties will not conflict with duties assigned by law, to town agencies other than the office of first selectman.

**\*\* THE MOTION WAS SECONDED FROM THE FLOOR.**

Mrs. Seelye read the TGS&A report (attached).

**\*\* ITEM 12-17 CARRIED ON A RISING TALLY VOTE OF 78 IN FAVOR, 0 OPPOSED, 1 ABSTENTION.**

#### 12-18

### CONSIDERATION AND ACTION ON AN AMENDMENT TO DARIEN'S CODE OF ORDINANCES REGARDING PLASTIC BAGS

David Kahn, District I, Chairman of the Public Works Committee, made a presentation to the RTM (attached).

RTM, September 24, 2012

Page6

**\*\* MR. KAHN MOVED:**

**WHEREAS**, the Town of Darien is considering the establishment of an ordinance that bans plastic checkout bags used by retail stores and other organizations selling products to the public; and

**WHEREAS**, the ordinance would require any retail store to provide only reusable bags or recyclable paper bags as checkout bags to customers; and

**WHEREAS**, input both for and against the concept have been heard by various committees.

**BE AND IT IS HEREBY RESOLVED** that the Representative Town Meeting of the Town of Darien hereby adopts the ordinance as more specifically set out in the document attached hereto and made a part hereof.

## **RETAIL CHECKOUT BAGS**

### **Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

- a) *Checkout bag* means a carryout bag that is provided to a customer at the point of sale. The term "checkout bag" does not include plastic produce bags or plastic bags measuring 28" by 36" or larger in size.
- b) *Plastic produce bag* means a flexible container made of very thin plastic material with a single opening that is used to transport produce, meats or other items selected by customers to the point of sale.
- c) *Retail sales* means the transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sales, restaurants and other similar point of sales. The term "retail sales" does not include sales of goods at yard sales, tag sales, other sales by residents at their home, and sales by non-profit organizations.
- d) *Recyclable paper bag* means a paper bag that has the following characteristics: (1) contains no old growth fiber, and (2) is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content.
- e) *Reusable bag* means a bag with handles that is specifically designed and manufactured for multiple reuse and is (1) made of cloth or other fabric, or (2) made of durable plastic that is at least 2.25 mils thick.

### **Restriction on Checkout Bags**

- (a) Any person engaged in retail sales shall provide only reusable bags or recyclable paper bags as checkout bags to customers.
- (b) Nothing in this section shall preclude persons engaged in retail sales from making reusable bags available for sale to customers.

### **Notification of Fine.**

(a) Upon notification that a violation exists, the Environmental Protection Commission will investigate and verify the noncompliance. The Environmental Protection Commission is authorized to enforce the ordinance as follows:

(b) Notification of Violation. The Environmental Protection Commission shall provide written notice to any person who violates this ordinance. The notice of violation shall state the violation, the date of the violation, and the date by which said violation shall be remedied. Upon the failure to remedy the violation or commence corrective action to the satisfaction of the Environmental Protection Commission within the time specified in the notice, the Environmental Protection Commission shall issue a fine under the provisions of section 1-8. Repeat offenders shall be issued additional fines without first receiving a notice of violation. Additional fines shall be issued no more frequently than ninety (90) days following a prior violation. Any notice of a fine issued hereunder shall be sent to the person named in the fine by certified mail, return receipt requested and simultaneously by regular United States Postal Service mail.

(c) The amount of the fine is listed on Appendix D, Table of Ordinance Fines.

(d) A person who has received a fine pursuant to this Article is entitled to judicial review by way of appeal in accordance with G.S. Section 7-1 52c(g).

**Effective Date:** This ordinance may be enforced six months following its effective date to allow retail establishments to dispose of their existing inventory of non-biodegradable plastic checkout bags and provide reusable bags or recyclable paper bags..

Amend Appendix D, Table of Ordinance  
Fines by adding the following:

A violation of Chapter 22 Retail  
Checkout Bags. Sec. 22.93 \$150.00

**\*\* THE MOTION WAS SECONDED FROM THE FLOOR.**

Mr. Kahn gave the committee report of the Public Works Committee (attached).

Frank Adelman, District VI, gave the Minority Report of the Public Works Committee (attached).

Sarah Seelye, District II, Chairman of TGS&A, read the committee report (attached).

Deepika Saksena, District I, gave the Minority Report of TGSA (attached).

Carolyn Schoonmaker, District IV, Chairman of the Public Health & Safety Committee, gave the committee report (attached).

Cassandra Hegarty, District 1, gave the Minority Report of the Public Health & Safety Committee (attached).

Bruce Orr, District V, Chairman of the Finance & Budget Committee, read the committee report (attached).

The Moderator next opened the discussion to RTM members, who spoke as follows:

**IN FAVOR OF THE RESOLUTION:**

1. Ellyn Coyne, District III
2. Helen Miller, District II

**OPPOSED TO THE RESOLUTION:**

3. Arden Broecking, District VI
4. James Cameron, District IV
5. Jack Davis, District V
6. John Boulton, District V
7. Bruce Orr, District V

**\*\* SPENCER MCILMURRAY, DISTRICT II, CALLED THE QUESTION.  
\*\* THE MOTION WAS SECONDED FROM THE FLOOR.  
\*\* MOTION FAILED TO RECEIVE 2/3RDS STANDING TALLY VOTE.**

**IN FAVOR OF RESOLUTION:**

8. Maria Cleary, District IV
9. Holly Schulz-Amatruda, District I
10. Noelle Henderson, District I
11. Marc Thorne, District II, said the EPC did support the resolution.
12. William Glassmeyer, District I
13. Patricia Bumgardner, District V

**OPPOSED TO THE RESOLUTION:**

14. Joseph Hardison, District IV
15. Peter Kelly, District I
16. Dennis Maroney, District III

**\*\* ANTHONY IMBIMBO, DISTRICT I, MOVED TO SUSPEND THE RULES TO  
ALLOW NON-ELECTORS TO SPEAK.  
\*\* THE MOTION WAS SECONDED FROM THE FLOOR.  
\*\* MOTION PASSED BY STANDING TALLY VOTE.**

The Moderator opened the floor to comments/questions from the audience.

**IN FAVOR OF RESOLUTION:**

17. Finley Wetmore, freshman at DHS
18. Megan Greigy, senior at DHS

**\*\* SAM SCHOONMAKER, DISTRICT IV, CALLED THE QUESTION.  
\*\* THE MOTION WAS SECONDED FROM THE FLOOR.  
\*\* MOTION FAILED TO RECEIVE 2/3RDS VOTE.**

**IN FAVOR OF RESOLUTION:**

- 19. Sunil Sakseena
- 20. Mr. Greigy
- 21. Female speaker, 300 Noroton Avenue

**OPPOSED TO THE RESOLUTION:**

- 22. Chris Noe asked when members of the RTM have to abstain. Town Counsel Fox said when a person has a financial interest in legislation, they have to abstain.

**\*\* A MOTION TO CALL THE QUESTION CAME FROM THE FLOOR.  
\*\* THE MOTION WAS SECONDED FROM THE FLOOR.  
\*\* MOTION FAILED TO RECEIVE A 2/3RDS VOTE.**

**IN FAVOR OF RESOLUTION:**

- 23. Sally Bassler
- 24. Unidentified woman, Old Kings Highway South
- 25. Chris Jobson
- 26. Selectman David Bayne said the Board of Selectmen has not taken a formal vote but sent this on to the RTM.

**OPPOSED TO THE RESOLUTION:**

- 27. Greg Palmer, Palmer's Market

**\*\* ITEM 12-18 FAILED ON A RISING TALLY VOTE OF 36 IN FAVOR, 46  
OPPOSED, 0 ABSTENTIONS.**

**\*\* UPON MOTION MADE AND SECONDED FROM THE FLOOR, IT WAS  
UNANIMOUSLY VOTED TO ADJOURN AT 10:45 P.M.**

Respectfully submitted,

Cheryl Telesco Blois  
Telesco Secretarial Services

APPENDIX

<u>DISTRICT I</u>	<u>(12-3a)</u>	<u>(12-15)</u>	<u>(12-16)</u>	<u>(12-17)</u>	<u>(12-18)</u>
Cepeda	yes	yes	yes	yes	no
Firmin	absent	absent	absent	absent	absent
Glassmeyer	yes	yes	yes	yes	yes
Hegarty	yes	yes	yes	yes	yes
Henderson	yes	yes	yes	yes	yes
Huck	absent	absent	absent	absent	yes
Imbimbo	yes	yes	yes	yes	yes
Kahn	yes	yes	yes	yes	no
Kelly	yes	yes	yes	yes	no
Kernen	yes	yes	yes	yes	yes
Saksena	yes	yes	yes	yes	yes
Schneider	yes	yes	yes	yes	no
Schulz-Amatruda	yes	yes	yes	yes	yes
Schwarz	absent	absent	absent	absent	absent
Sini	absent	absent	absent	absent	absent
Tierney	yes	yes	yes	yes	yes
Valentino	yes	yes	yes	yes	yes

DISTRICT II

Bacon	yes	yes	yes	yes	yes
Ebrahimi	yes	yes	yes	yes	yes
Finn	yes	yes	yes	yes	yes
Hilton	yes	yes	yes	yes	yes
Hoffman	yes	yes	yes	yes	no
Howe	yes	yes	yes	yes	no
Maguire	absent	absent	absent	absent	absent
Marston	absent	absent	absent	absent	absent
McIlmurray	yes	yes	yes	yes	no
Miller	yes	yes	yes	yes	yes
Mundt	yes	yes	yes	yes	yes
Seelye	yes	yes	yes	yes	no
Thorne, B.	yes	yes	yes	yes	yes
Thorne, M	yes	yes	yes	yes	yes

DISTRICT III

Anderson	yes	yes	yes	yes	no
Bayne	yes	yes	yes	yes	yes
Brode	absent	absent	absent	absent	absent
Burke	yes	yes	yes	yes	yes
Cardone	yes	yes	yes	yes	no
Coyle	yes	yes	yes	yes	no
Coyne	yes	yes	yes	yes	yes
Duffy	yes	yes	yes	yes	no
Fead	yes	yes	yes	yes	yes
Ferretti	yes	yes	yes	yes	yes
LeHan	yes	yes	yes	yes	yes
Maroney	yes	yes	yes	yes	no
Martens	absent	absent	absent	absent	absent
Moore	yes	yes	yes	yes	no
Morton	yes	yes	yes	yes	no
Olvany	yes	yes	yes	yes	no
Smith	absent	absent	absent	absent	absent
Young	absent	absent	absent	absent	absent

<u>DISTRICT IV</u>	<u>(12-3a)</u>	<u>(12-15)</u>	<u>(12-16)</u>	<u>(12-17)</u>	<u>(12-18)</u>
Cameron	yes	yes	yes	yes	no
Cleary	yes	yes	yes	yes	yes
Davis	yes	yes	yes	yes	yes
Fiore	yes	yes	yes	yes	no
Hardison	yes	yes	yes	yes	no
Kemp	yes	yes	yes	yes	yes
Millar	yes	yes	yes	yes	no
Morrison	yes	yes	yes	yes	yes
Peters	yes	yes	yes	yes	no
Rayhill	yes	yes	yes	yes	no
Rycenga	yes	yes	yes	yes	yes
Savage	yes	yes	yes	yes	yes
C.Schoonmaker	yes	yes	yes	yes	no
S.Schoonmaker	yes	yes	yes	yes	no

DISTRICT V

Adiletta	yes	yes	yes	yes	no
Boulton	yes	yes	yes	yes	no
Bumgardner	yes	yes	yes	yes	yes
Camuti	yes	yes	yes	abstain	no
Conniff	yes	yes	yes	yes	no
Dailey	absent	absent	absent	absent	absent
Davis	yes	yes	yes	yes	no
George	abstain	yes	yes	yes	no
Hennessy	yes	yes	yes	yes	no
Orr	yes	yes	yes	yes	no
Patrick	yes	yes	yes	yes	no
Ritchie	yes	yes	yes	yes	no
Russell	yes	yes	yes	yes	no
Sharp	absent	absent	absent	absent	absent
Stolar	yes	yes	yes	yes	yes
vanderKieft	yes	yes	yes	yes	no

DISTRICT VI

Adelman	yes	yes	yes	yes	yes
Armour		Did not vote			
Baldwin	yes	yes	yes	yes	no
Broecking	yes	yes	yes	yes	no
Conologue	yes	yes	yes	yes	no
Grogan	yes	yes	yes	yes	yes
Haas	absent	absent	absent	absent	no
Hawkins	yes	yes	yes	yes	no
McDermott	yes	yes	yes	yes	yes
McLean	yes	yes	yes	yes	no
McNamara	absent	absent	absent	absent	yes
Palen	yes	yes	yes	yes	no
Plehaty	yes	yes	yes	yes	no
Poli	yes	yes	yes	yes	no
Swenson	yes	yes	yes	yes	no

Representative Town Meeting  
September 24, 2012

(12-3a) RTM Resolution modifying the RTM resolution of March 19, 2012 which changes voting district lines pursuant to Connecticut General Statutes 9-169.

Good Evening, I am Sarah Seelye, District II and Chairman of the Town Government Structure and Administration Committee.

I move the amendment and ask for second.

If there are no objections, I proposed to waive the reading of the Resolution.

I would just like to begin by reviewing Resolution 12-3 that the RTM approved March 19<sup>th</sup> of this year. Every ten years there is a census and the legislature makes sure that representation is equal.

Darien voting districts also shifted due to population changes.

The State of Connecticut's Attorney General notified Darien in September that the map, which was approved by the RTM in March, included an error. The seven streets affected will now be in RTM District I instead of District III. This affects one RTM member who will remain in District I. This also shifts electors back to their original district regarding State Representatives. The new map is included in your RTM warning packet.

This amendment will not affect the re-election process that was approved in March.

We ask for your approval of this change.

Town Government, Structure and Administration  
Report to the RTM  
September 24, 2012

(12-15) RTM Resolution Amending Section 54-22 of the Darien Code of Ordinance Concerning the Schedule of Fees for Land use Applications

I am Sarah Seelye, District II and chair of TGS&A.

I move Resolution 12-15 and ask for a second.

If there are no objections, I propose to waive the reading of the Resolution.

Jeremy Ginsberg, the Planning and Zoning Director, had responded to a letter written to him asking for any suggestions for “housekeeping” issues in the Planning and Zoning sections of the Charter and Ordinances. His first recommendation is for this resolution replacing the establishing and maintaining of the fees from Planning and Zoning to the RTM. This follows State Statute 8-1c that specifies “Any municipality may, by ordinance, establish a schedule of reasonable fees for the processing of applications by a municipal zoning commission”.

I will now introduce Mr. Ginsberg to address the RTM

TGS&A met September 11, 2012 with 11 of 13 members present to discuss this amendment. The vote to Replace Section 54-22 of the Darien Code of Ordinance with the attached version was passed unanimously.

We ask you support this resolution. Thank you

**Finance & Budget Committee  
Report to RTM, September 24, 2012**

**(12-15) RTM RESOLUTION APPROVING AMENDMENTS TO TOWN CODE  
OF ORDINANCES ON SECTION 54-22 REGARDING SCHEDULE OF FEES  
FOR LAND USE BOARDS**

I am Bruce Orr, District ~~7~~<sup>5</sup> and Chair of Finance and Budget.

The F&B committee met on September 17, 2012 for a Regular Meeting. Due to the School holiday, 4 of 13 members were present.

As you have heard earlier from Ms. Seeyle, this amendment to the Town ordinances is merely to clean up the language and memorialize how the fees are approved and maintained.

Seeing no fundamental or real financial impact on the Town, the F&B Committee viewed these amendments as favorable.

While we were short of a quorum, The Committee voted unanimously to approve this Amendment to the Town Code of Ordinances.

Bruce G. Orr, Sr.  
Chairman, September 24, 2012

## Opening Remarks

You will recall that over the past two years, the TGS&A Committee has been reviewing items in the Town Charter which are non-controversial as part of a cleanup of the documents. The Charter Revision Commissions made their efforts in 1999 and 2008. The volunteers who staffed these Commissions put a lot of work into cleaning up the language in the current charter such as removing anachronisms and moving toward a more readable document.

To date, progress has been made by the RTM. Updates have been made to the Charter eliminating specific dollar amounts for fees and fines, describing the working body of the RTM and its responsibilities as well as Town Counsel. The purchasing procedures employed by the town have also been updated.

To continue this effort, earlier this year the TGS&A Committee met with the Department of Social Services and the Administrative Officer – so as to get their suggestions for improvements to the existing description of their operations which is found in the Charter. Changes were recommended and reviewed by Town Counsel.

With clean copies of the revised sections of the Charter in hand, TGS&A met to review these matters.

Tonight, still under the provisions of the Charter, we are reviewing this material and will vote on it this evening. The changes will become part of the charter after 10 days.

Town Government, Structure and Administration  
Report to the RTM  
September 24, 2012

(12-16) RTM Resolution amending Chapter X, Sections 35 through 38 of the Darien Town Charter regarding the Department of Health and Social Service.

I am Sarah Seelye, District II and chair of TGS&A.

I move Resolution 12-16 and ask for a second.

If there are no objections, I propose to waive the reading of the Resolution.

Before we move on I must make a motion to delete the word "Health" from the Resolution. It was a scrivener's error and does not change the intent or purpose of the Resolution. Do I have a second?

Olive Hauser is here with us tonight to support the changes that have been thoroughly vetted by The Commission of Social services and our Darien Town Counsel.

This section of the Charter was last updated in 1995 after changes were made in the delivery of social services to residents of Darien. Twelve years later TGS&A worked with the Department to bring the Charter up to current practices and consistent with current state and federal policies.

TGS&A met on June 5<sup>th</sup> and June 25<sup>th</sup>, 2012 to vote to approve these changes and recommend a Public Hearing. The June 5<sup>th</sup> had 9 of 13 members present and the June 25<sup>th</sup> meeting had 10 of 13 members present. The tally of votes was unanimous at both meetings.

For those of you who may not have your packet with you tonight, I will briefly describe the proposed modifications.

Revisions include:

- Elimination of term limits for the commissioners (this was the only instance of term limits within the Charter)
- Elimination of language associated with the start-up years of the Commission
- Elimination of language that deals with the specific scheduling of meetings. This is covered under the Freedom of Information Act
- Description of the powers and duties of the department, consistent with state and federal policies
- Clarification of the procedures for accepting gifts

TGS&A recommends that the RTM approve these modifications to the Department of Social Services.

I would like to introduce Olive Hauser, the Director of the soon to be renamed Department of Human Services.

**Town Government, Structure and Administration**  
**Report to the RTM**  
**September 24, 2012**

(12-17) Resolution amending Chapter III, Section 16 of the Darien Town Charter regarding the Town Administrator

I am Sarah Seelye, District II and Chairman of TGS&A.

I move Resolution 12-17 and ask for a second.

If there are no objections, I propose to waive the reading of the Resolution.

The update on this section of the Darien Town Charter is a perfect example of how jobs and departments evolve over time. This section was last amended 33 years ago. You can only imagine how responsibilities have evolved and become much more complex.

The updates acknowledge the current complexities of the job ~~and~~ as well as the increased responsibilities.

For those of you who may not have your memo from TGS&A with you tonight, here is a brief overview of the revised description:

- Personnel and management functions are addressed
- The budget process
- Serving as the assistant purchasing agent (the First Selectman is designated as the Town's official purchasing agent per the Charter)
- Administration and coordination of departments and agencies
- Employee performance reviews
- Other duties as assigned by the First Selectman

TGS&A met on June 5<sup>th</sup> and June 25<sup>th</sup> 2012 to vote and approve these changes and recommend a Public Hearing. The June 5<sup>th</sup> meeting had 9 of 13 members present and the June 25<sup>th</sup> meeting had 10 of 13 members present. The tally votes were unanimous at both meetings.

Thank you and TGS&A recommends that you approve these updates the Darien Town Charter regarding the description of the Town Administrator.



## RTM PWC

### Discussion of Proposed Plastic Shopping Bag Ban

September 24, 2012

#### PWC EVALUATION OF PROPOSED PLASTIC BAG BAN

Approach taken:

- Develop understanding of how and where Darien municipal solid waste ("MSW") and recyclables are disposed of
- Visit relevant facilities:
  - Darien Transfer Station ("The Dump") – 3/30/12
  - Wheelabrator Bridgeport waste to energy facility – 4/20/12
  - City Carving transfer station and recycling facilities in Stamford – 4/21/12
- Discussed municipal solid waste and recycling programs with local private carving companies
- Discussed relevant issues with Robert Steeger, Director of Public Works
- Conducted research on recyclability of plastic shopping bags
- RTM PWC voted on this presentation on 9/18/12 (13 in favor, none opposed or abstaining) and the proposed plastic bag ban ordinance on 9/18/12 (5 in favor, 6 opposed, 2 abstentions)
- Presentation of findings to RTM on 9/24/12

## BACKGROUND ON LOCAL MSW AND RECYCLING PRACTICES

3

### DARIEN MSW AND RECYCLING FACILITIES

#### Municipal Solid Waste

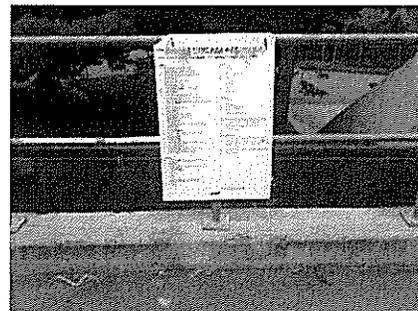
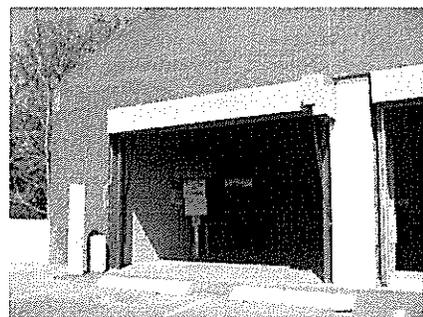
- Taken to City Carving in Stamford where it is loaded onto trucks for transfer to Wheelabrator Bridgeport for incineration
- No meaningful sorting takes place

#### Recycling Observations

- Poor signage leads to lack of understanding of what materials can be recycled (bags, batteries, electronics, waste oil, etc.). New signage is needed
- Prior signage indicated that plastic bags could not be recycled
- Single stream recycling program has been put into effect as of May 2012. New temporary signage is in place (see lower right photo)
- Plastic bags can be recycled. It is recommended that they be put together in a single bag

#### Note

- A separate container could be added for recycling plastic bags at an additional cost of approximately \$200/month



4

# TRANSFER STATION: SINGLE STREAM RECYCLING GUIDELINES

TOWN OF DARLEN  
DEPARTMENT OF PUBLIC WORKS  
1 ALEXANDER ROAD - DARTMOUTH  
DARTMOUTH, CT 06024-5197  
TELEPHONE (860) 526-7346



KENNETH S. LEGG, P.E.  
SUPERVISOR OF PUBLIC WORKS  
DARREN CUSUMANO, P.E.  
DEPUTY SUPERVISOR OF PUBLIC WORKS

## News Release: Single Stream Recycling Available in Darlen

Single stream recycling is now available at the Darlen Transfer Station. This change is intended to increase the overall quantity of recyclables in the Town of Darlen and to make recycling easier for residents. Single stream recycling will also be accepted from your garbage hauler at the Darlen Transfer Station.

Single stream recycling allows you to mix all recyclables in one container (without single stream recycling, you were required to separate paper from plastic, glass and metal). Single stream recycling also eliminates the need to separate recyclables at the transfer station. All recyclables are deposited (mixed) in a single container. Acceptable single stream recyclables include the following (CLEAN MATERIALS ONLY):

### Paper:

- Blueprints, or paper rolls.
- Books (paper and hard back)
- All boxes (including cereal boxes and chipboard)
- Corrugated cardboard
- Brown paper bags
- Egg cartons (paper or Styrofoam)
- File folders
- Frozen food packaging (ice cream containers, frozen juice containers)
- Kraft envelopes (orange, brown yellow, et cetera)
- Mail, greeting cards
- Magazines
- Milk cartons, drink boxes
- Newspapers and inserts
- Phone books
- Pizza boxes (clean, uncontaminated)
- Ream paper
- Shredded paper
- Stickers and address label sheets
- Sticky notes
- Index cards
- Styrofoam or paper go-to containers
- Tyvek envelopes
- Waxed paper or waxed cardboard
- White or pastel office paper

### Plastic:

- Plastic bags (bundled, no loose bags)
- Bottles
- Boxes (plastic storage or shoe boxes)
- G pack holders
- Caps
- Jugs
- Lids
- Plastics numbered 1 through 7
- Tubs

### Glass:

- Bottles
- Ceramics
- Drinking glasses
- Jars
- Plates
- Mirrors
- Pyrex
- Windows

### Metals:

- Cans
- Jar lids
- Steel bottle caps
- Aluminum foil
- Aerosol cans (empty)

F:\Dumplings\Boxes\News Release 090412.doc

Plastic bags should be bundled in order to make it easier for recyclers to remove them from the recycling stream

5

## PRIVATE CARTING COMPANIES: SELECTED COMMENTARY

### A 'n' D Carting, LLC

- 1,000 residential customers
- Provides single stream recycling including plastic bags. Some customers recycle plastic bags
- Views single stream recycling as positive and have seen an increase in recycling
- 80% of their customers do a good job recycling
- Every company is handling recycling and garbage collection differently and some companies are not recycling properly
- Dumps 75% of the garbage collected with City Carting in Stamford and about 25% of garbage collected in Bridgeport due to lower price fee
- All recyclables taken to the Darlen dump

- Invested in new equipment and dumpsters to handle increased volume resulting from single stream recycling
- Prefers single stream recycling as it is "the way of the future"
- If done correctly with education of the public it will run successfully. If not, everyone will lose
- Dumps MSW at City Carting due to cost and convenience
- "Recyclables are a huge commodity that the Town can sell and make a lot of money"

### Finnocchio Brothers, Inc.

- 200/300 residential customers
- Also collects residential garbage in Greenwich, Wilton, Weston and Fairfield
- Has provided single stream recycling since 8/1/11 including plastic bags (which should be bundled)

### Darlen Disposal Service

- 1,500-1,600 residential customers
- Provides single stream recycling (including plastic bags) which has increased recycling by 3x
- MSW taken to City Carting (50%) and Bridgeport (50%) due to lower price fees
- 2/3 of customer don't follow single stream practices properly
- Increased cost of single stream (equipment issues) may be passed to customers

6

## PRIVATE CARTING COMPANIES: SELECTED COMMENTARY (Con nued)

### Darien Disposal Service (Con nued)

- Sees opportunity for Town of Darien to profit from recyclables

### Tom Conte Garbage & Recycling

- 400 residential customers
- Provides single stream recycling including plastic bags but views it as more work and cost for his business
- Recyclables and MSW taken to Darien despite high tip fee
- 1/2 of customers don't follow single stream practices. Would like better communication from the Town of Darien regarding single stream change
- Customers typically don't recycle plastic bags
- Would like Darien to provide better information on single stream

### Town & Country Carting & Recycling

- 900 residential customers
- Suburban Carting, New Canaan Carting and Town & Country Carting are all under common ownership.
- Recyclables taken to Darien
- Moved to single stream recycling (including plastic bags) in June. Requires customers to put all recyclables in plastic bags rather than bins
- MSW taken to City Carting in Stamford or Bridgeport due to lower tip fees
- Likes single stream as it lowers costs. Believes that it has increased the amount of recycling done in Darien
- "Customers are catching on finally. We are collecting less garbage and more recyclables than ever before"

7

## WHERE DARIEN MSW ENDS UP



Located in Bridgeport, Connecticut, the Wheelabrator Bridgeport waste-to-energy facility provides dependable, environmentally safe disposal of municipal solid waste for more than two dozen towns and cities in the Greater Bridgeport area, while generating clean, renewable electricity for sale to the local utility. Designed, constructed, and operated by Wheelabrator, Wheelabrator Bridgeport processes up to 2,250 tons per day of municipal solid waste. Wheelabrator Bridgeport has an electric generating capacity of 67,000 kilowatts; the equivalent of supplying the electrical needs of 83,000 Connecticut homes.

8

## WHERE DARIEN RECYCLED MATERIALS END UP

- Recyclables from Darien carting companies are taken to City Carting Stamford
- Recycled materials sold. Darien Paid \$15/ton
- Extensive recycling had reduced tipping fees for carting companies and City Carting who in turn takes MSW to Wheelabrator Bridgeport
- Single stream recycling increases amount of recycled materials and reduces MSW tonnage
- Plastic bags are removed from the recycling stream as part of the sorting process
- Materials sold by City Carting to a variety of brokers and processors

Plastic film



Single stream materials before processing



## WHEELABRATOR – THE MSW STREAM BEFORE IT IS BURNED



## WHEELABRATOR - A TRUCK EMPTYING MSW AT THE FACILITY



11

## WHEELABRATOR - CT POLLUTION CONTROL REQUIREMENTS

### Observations

- No sorting takes place at this plant
- A variety of materials containing large amounts of plastics are burned
- The waste stream coming from Darien accounts for two days of plant operations annually
- Recycling doesn't impact the emissions profile of the plant
- Extensive pollution control mechanisms meeting both CT and Federal requirements are in place
- Emissions are continuously monitored and are in compliance with established parameters

Note: Low natural gas prices may impact the viability of the plant to operate longer term

July 7/2008

### Wheelabrator Bridgeport AIR PERMIT PARAMETERS

PARAMETER	CEM LIMIT	AVERAGE PERIOD	COMPLIANCE INTERVALS	SOURCE RESPONSE
OPACITY	< 10%	6 minute	one min. interval	12 hour call in & 10 day Report
OPACITY (Instant)	< 40%	Instantaneous (1 minute)	Instantaneous	12 hour call in & 10 day Report
NOX	<200 ppm/c *	24 hr Block	24 hours	12 hour call in & 10 day Report
CO	<100 ppm/c *	4 hr. Block	4 hr. Block	12 hour call in & 10 day Report
SO2 (PF)	< 29 ppm/c * or > 75% removal	24 hour geometric mean	24 hours	12 hour call in & 10 day Report
Combustion Temperature	> 1800 F	1 hour	1 hour	12 hour call in & 10 day Report
Max. Steam Load	#1: 196.8 Klb/hr #2: 196.8 Klb/hr #3: 196.8 Klb/hr	4 hour Block	4 hour Block	Self-Warning Permit-Plan Notification
Carbon Feed	#1: 7 lb/hr #2: 7 lb/hr #3: 7 lb/hr	8 hour block	8 hours	12 hour call in & 10 day Report
PP Inlet Temp	#1: < 345 F #2: < 345 F #3: < 345 F	4 hour block	4 hour block	12 hour call in & 10 day Report

State Notification: CT DEP AIR BUREAU (Keith Hill: 860-424-3563)  
Plant Notification: Ed Gasiora (EHS), Vin Langone (PM), Glenn Lockhart (OM)

1. Contact one of the above individuals ASAP
2. If unable to speak directly with the WDFM Management staff, leave a message on the home and cell phone numbers.

\* compliance with CEM limit ensures compliance with all other underlying Title V Emission Standards

Remember to fill out the Startup-Shutdown-Malfunction Excess Emission Form for all exceedances (including cause of exceedance, corrective action taken, include a copy of the control room logbook page; that contains PO write-up on the event and then drop off at EHS DIRECTOR'S OFFICE IN UPPER ADMIN.).

12

## WHEELABRATOR – SITE OF RESIDUAL MSW



The Wheelabrator Putnam Ash Residue Landfill is a nine million cubic yard landfill designed to accommodate ash from all of Connecticut's waste-to-energy facilities. This project currently provides 400,000 tons per year of ash disposal for four of Connecticut's six waste-to-energy plants. The 186-acre site contains six 10-acre ash disposal cells designed to be built sequentially throughout its 25-year life. The remainder of the site is comprised of natural buffers, an administration building, a private access roadway and other supporting facilities.

13

## DISCUSSION WITH ROBERT STEEGER – DIRECTOR OF PUBLIC WORKS

1. What are the recycling options for plastic shopping bags at the transfer station if any?

Plastic bags are accepted and recycled at the Darien Transfer Station. They should be consolidated by stuffing as many as possible into one bag and placed with the co-mingled recyclables to minimize litter problems.

2. What happens to our recycled materials once they leave the Darien Transfer Station?

City Carving pays the Town \$15 per ton for all recycled materials including plastic bags. Because plastic bags are so light, the amount of revenue generated would be minor even if all plastic bags were removed from the waste stream and recycled. Income from sale of recyclables is treated as a revenue and deposited to the general fund. Budgeted costs are gross costs and generally do not reflect any revenue generated from the operation.

3. Do plastic bags present any sort of problem for the public works department in terms of clogged storm drains or waterways? It has been suggested that plastic bags often clog local storm drains and end up in the Long Island Sound.

Although plastic bags do occasionally contribute to or cause storm drain blockages, I would not describe it as a significant problem.

14

## RETAIL PLASTIC BAG USAGE BY DARIEN RESIDENTS

(Total Estimate Based on National Average Plastic Bag Usage - Provided by Choose to Reuse)

*Estimated average number of bags used per year by an adult in the US	500
**Darien Population (over 18)	13,351
Estimated number of bags used in Darien in a year	6,675,500

### Validation Based on Survey of a Darien Merchant's Plastic Bag Usage

Number of boxes used in a week by Stop & Shop at Noroton and Goodwives in Darien	28
Number of bags in each box	2,000
Number of bags used in one week by the two S&S store	56,000
Number of bags used in a year by Stop and Shop alone	2,912,000

### \*\*\* Estimated Recycling Profile of Plastic Bags in Darien

Recycled (12%)	801,060
Not Recycled (88% incinerated)	5,874,440

\* <http://www.rollingstone.com/politics/news/the-plastic-bag-wars-20110725>

\*\* <http://darien.patch.com/articles/census-2010-dariens-population-hits-20732>

\*\*\* <http://www.epa.gov/osw/conservation/materials/plastics.htm>

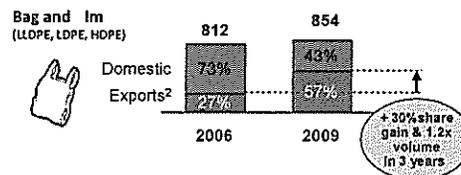
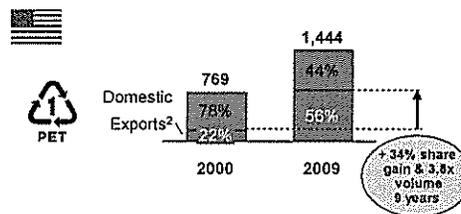
## BACKGROUND ON ECONOMICS OF RECYCLING PLASTIC BAGS

## THERE ARE 7 MAJOR END MARKETS FOR RECYCLED HDPE

End market	Description
Export / China	Local exporters buy unsorted waste, industrial scrap, and baled recyclables to ship to the undersupplied, Asian reclamation industry, who has operating cost advantages over the U.S. market
Packaging / CPG	Consumer product goods companies and packaging providers use recycled HDPE primarily in non-food packaging
Auto	Auto manufacturers can use recycled plastic for non-critical parts in lieu of virgin plastic for cost dilution and green value propositions
Pipe	Pipe manufacturers use recycled HDPE primarily as a means of cost dilution in pipe and drainage for retail and especially agriculture applications
Lumber	Lumber, decking, and outdoor furniture fabricators employ recycled material for cost dilution in plastic lumber and wood composites
Lawn/Garden	Flower pots, garden systems, and durable lawn products are heavy users of recycled material for cost dilution
Rail	Mixed scrap plastic is now used to manufacture cost competitive, but higher performing railroad ties to replace traditional wood slats

17

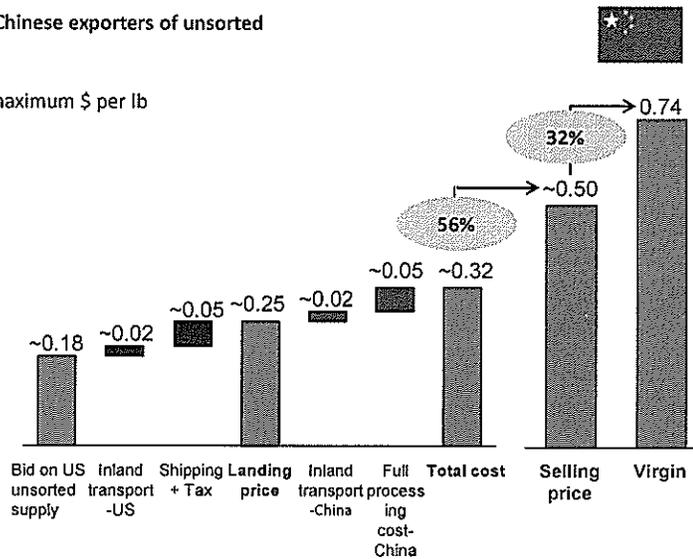
## CHINA IS A LARGE IMPORTER OF RECYCLED PLASTICS



18

## CHINA IMPORTS RECYCLED PLASTICS DUE TO THE SPREAD RELATIVE TO VIRGIN MATERIAL

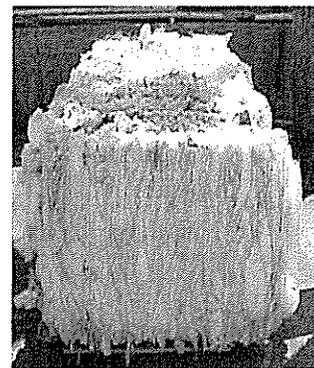
Economics of Chinese exporters of unsorted US HDPE bale  
 March 2010  
 Approximate maximum \$ per lb



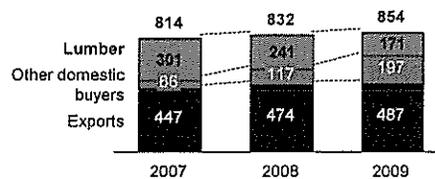
19

## LUMBER IS A GROWING USER OF GROCERY BAGS

- **Companies moving into Im** – Some large lumber companies now use LDPE and HDPE Im instead of bales
- **Smaller users buy local** – smaller companies have long-term local relationships and may use HDPE bales
- **LDPE stretch Im:** Bales must contain at least 96% stretch Im
- **LDPE/HDPE Grocery bags:** Bales must contain at least 80% HDPE grocery bags or LDPE with less than 2% colored



U.S. recovered Im and bags - (22% HDPE & 78% LDPE)  
 Pounds



20

## TREX EXPANDS COLLECTION OF PLASTIC BAGS



- Trex, the largest player in composite lumber is expanding its programs for recycled plastic bags
- Trex runs programs with retailers to secure supply of recycled plastic bags (e.g., Safeway, Publix)
- They are now in the process of extending program from large retailers to smaller collection centers (e.g., schools, convenience stores)
  - Trex has joined with Penn Jersey Paper and Goodwill Industries to launch the BagSmart program, a comprehensive initiative to help consumers in Pennsylvania and New Jersey **recycle and reuse plastic bags**
  - The Plastic Bag Challenge program has seen great success among schools in Virginia, Georgia and Northeast areas. School-wide competitions are held to see who can **collect the most plastic bags to recycle with Trex.**
- Trex uses approximately 200 million pounds of recycled plastic annually of which 13% is recycled HDPE film and plastic bags

21

## AERT USES FILM FOR RECYCLED HDPE PRODUCTS



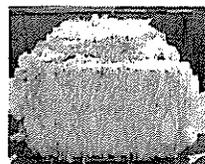
- AERT is the 10<sup>th</sup> largest composite lumber company in the US
  - Four facilities
  - Wide product portfolio
  - Partnerships with large customers such as Lowes
- Since 1989, has pioneered the use of **recycled polyethylene plastic** in the manufacture of composite building materials
- In 1991, AERT entered into a joint development agreement with the Dow Chemical to **develop polyethylene film recycling technology**
- In February 2010, AERT opened the Wash Recycling Facility, a full scale, commercial plant featuring AERT's innovative technologies and methods for **recycling previously unrecovered plastic film** sources from the largest segment of the plastic waste stream, polyethylene

AERT buys HDPE grocery bags...



- **Grocery bags:** Bales must contain at least 80% HDPE grocery bags
- **Other polyethylene:** Less than 20% other PE film

... and LLDPE stretch film and grocery bags



- **Stretch film:** Bales must contain at least 96% stretch film
- **Grocery bags:** Less than 2% Grocery bags or color; no more than 2% colored film
- **LDPE bags:** Clear LDPE bags and stretch film can be 22 mixed

RTM PWC Report to RTM

9/24/12

David Kahn, District 1, Chairman of PWC.

I move resolution 12-18 and ask for a second.

Without objection I propose waiving the reading of the resolution

On September 18<sup>th</sup>, PWC met in a special meeting with 13 of 14 members present representing a quorum. The purpose of the meeting was to discuss and vote on a presentation of our findings related to the municipal solid waste and recycling elements of the proposed resolution. In addition, the committee discussed the proposed resolution on banning plastic checkout bags. A vote was also taken on recommending the resolution to the full RTM.

The committee has met on several occasions throughout 2012 and discussed the issue at length. The detailed findings of our research are contained in the report presented to you so I think it's unnecessary to provide additional background here.

Selected comments in favor of banning plastic bags included the following:

- 6 million plastic bags could be replaced by reusable bags and we need to start somewhere in terms of improving the environment.
- The ban will guide people towards making the right choices.
- Some regulations like this protect the greater good.
- This regulation can be equated to our current seat belt laws. The rest of us clean up the mess when others make poor choices.
- The outcome of this ordinance shouldn't be based on what business wants, it should be based on what residents want.

Selected comments against banning plastic bags included the following:

- More education needs to be done in terms of recycling. Dump signs need to be improved. Education comes first.
- The use of plastic bags should be a matter of personal choice rather than dictated by an ordinance.
- Local merchants have expressed that this ordinance will be a financial burden.
- It has not been proven that plastic bags are bad for the environment on balance. What's the alternative? Using paper bags? We don't know the environmental impact and tradeoffs between the two.
- This is a feel good issue that doesn't materially change anything from an environmental perspective.

- Single stream recycling put in place in May should make this ordinance unnecessary as compliance and education increase.

Our committee agrees on the basic facts surrounding how plastic bags are disposed of and recycled in our community. That said, there is wide disagreement on whether it is necessary to enact a ban. We all look at these facts through a different prism. While banning plastic bags in Darien might not change much in term of the environment by itself, proponents generally view it as a small but important first step towards improving the environment. Opponents view it as an unnecessary government intrusion that limits consumer choice and doesn't meaningfully change the environment.

The PWC considered the draft of the resolution as marked up by TGS&A and voted unanimously to bring it before the full RTM for consideration. However, on the merits of the issue, the PWC debated a motion to recommend adoption of the resolution before you. After consideration and debate, this motion to recommend failed, by a vote of 6 against, 5 in favor and 2 abstaining.

Darien RTM Meeting of September 24, 2012

Minority Report from Public Works Committee – delivered by Frank Adelman, District 6

Good evening:

My name is Frank Adelman, and I represent District 6. I serve on the Public Works Committee, which is chaired by Mr. David Kahn, who just preceded me. I am reporting on behalf of the Committee's minority, the 5 who voted in favor of a motion to recommend that the RTM approve resolution 12-18.

Two quick introductory points, for context:

First – We recognize and thank Mr. Kahn for his leadership on this issue within our Committee. David has led an inclusive and collaborative review of the ordinance, waste management practices, and the larger context of recycling. This review culminated with the release of the detailed report ~~distributed by e-mail this weekend~~. Thank you David. Thanks also to Sarah Seelye and the TGS&A Committee for their thoughtful work on this issue.

Second – to be precise, although our comments represent the minority report, Mr. Kahn's report does not represent the majority of our Committee, but only a plurality. Only 6 of 13 members voted against the motion to recommend the ordinance, where 7 votes were needed for a majority. 5 voted for the motion to recommend, and there were 2 abstentions. So Mr. Kahn's report does not reflect the opinion of the Committee's majority – just a slightly larger minority than the group I'm speaking for.

With that as context, I'd like to briefly explain why we support the ordinance.

We support the ordinance because plastic is a pollutant. There is no good way to get rid of these bags once produced. They may be carelessly released, ~~threatening wildlife and infrastructure~~; they may be incinerated, ~~contributing to airborne toxins~~; or they may be landfilled, where they last for generations. Even recycling these bags consumes energy and resources. There's just no good way to dispose of plastic pollutants, and no good resolution to the issue of plastic waste. We should generate less of it.

We support the ordinance because the Darien community – our neighbors, our constituents – has clearly spoken up in favor of it. Two separate petitions have gathered over sixteen hundred combined signatures supporting a bag ban, including over 300 from Darien High School students. The Town's Environmental Protection Commission unanimously approved a resolution enthusiastically supporting the bag ban and urging the Board of Selectmen and all other Town bodies to support this initiative.

We support the ordinance because the evidence shows that education and voluntary action simply don't work to reduce plastic waste. We wish they did. But facts and experience show that people can know what's right and responsible, and still fail to do it. That's not finding fault, or blame – it's simply being human. But tonight we have an opportunity to guide the community to make better choices.

Last, this ordinance is simply a small step in the right direction. By itself, it will not change matters dramatically. But steps in the right direction are better than the wrong direction, and can add up to greater progress over time or over larger communities.

These are the reasons why we support the ordinance, and ask you to vote in favor of it tonight. But if you don't share these views, and in particular if you are undecided, please carefully consider the arguments against.

If you oppose the ordinance based on a different interpretation of the facts that have been shared by our Committee, by the advocates and the opponents of a bag ban, we respect your thoughtful conclusions. You may think that plastic pollution is not a big deal, or that incinerator exhaust and non-degradable garbage in landfills are not important issues. You may not believe the business owners in communities with a bag ban, who say that enacting the ban saved them money. You may think that Darien customers have few reasons to shop locally, or to loyally support Town businesses like Palmer's Market. In these cases, you're interpreting the facts differently than we did, and you probably won't support the bag ban.

But if you oppose the ordinance for philosophical reasons – “freedom of choice”, that this is a matter of “personal responsibility”, or that it's not the role of government – then respectfully, we ask you to reconsider. Regulation is a fact of modern life, and we are all prevented from making certain choices that are harmful to the community or the environment. We are not allowed to sell toys with lead paint, ~~We are not allowed to operate a restaurant without following food safety rules,~~ ~~We are not allowed to drive recklessly down the Post Road, to drive a car without pollution control, or to fill up the tank with leaded gasoline.~~ The lives of everyone in the community are all improved by these restrictions on our freedom. Banning plastic checkout bags is just another modest regulatory step towards protecting and improving our quality of life.

So please join us in supporting resolution 12-18 to regulate the use of plastic bags in Darien. Thank you.

## **Town Government, Structure and Administration September 24, 2012**

Good Evening, I am Sarah Seelye, Chairman of the Town Government Structure and Administration Committee. TGS&A is a co-secondary RTM Committee with the directive to create a document to present to the body of the RTM that was enforceable and free of conflict

TGS&A was presented with this Ordinance for review in January of this year. From the outset, there was considerable discussion on the committee as to whether or not our vote on the measure should be "on the merits" as opposed to whether or not it was procedurally proper as a legislative document.

As a result of several meetings with proponents of the Ordinance, the document before you was created. In creating this document, the sole motivation of the Committee was to present a measure that was clear, unambiguous and procedurally proper. We did not consider at any juncture whether or not the measure was needed. We strongly felt that such a decision was the province of the full RTM.

During our period of study of the Ordinance, we were presented with considerable opinion as to the negative effects of plastic bags on the environment in general. We did not receive however any direct evidence that the distribution of plastic bags in Darien by merchants has had a negative impact on the environment here or in neighboring communities.

In order to resolve any confusion as to the opinion of TGS&A on this matter, as Chair I resolved that it would be best to have two votes. The first vote was to consider whether or not the Ordinance is sufficiently crafted for enactment by the full RTM should that body choose to do so. The second vote was to whether or not we feel the ordinance is necessary at this time.

TGS&A met on the following dates to discuss the proposed Ordinance: February 7, March 6, June 5, and September 11 with a quorum present at each meeting. The final two votes were taken on September 11, 2012 for the following motions:

Motion 1: TGS&A deems this proposed ordinance to be sound, clear, complete and suitable to submit to the RTM. 11 of 13 members were present and the motion passed unanimously

Motion 2: TGS&A recommends that the RTM approve the Plastic Bag Ordinance. The results of the vote were five in favor of the motion and six were against the motion.

Thank you

### Minority Report Plastic Bag Ban Ordinance: RTM TGS&A Committee

Good Evening. My name is Deepika Saksena and I am on the TGS&A Committee from District I

TGS&A voted on the motion to recommend to the RTM to approve the Plastic Bag Ordinance. The vote was close, but was rejected 5-6. The dissenting members had the following comments:

1. Over 1,500 voters of Darien have signed the petition asking for a plastic bag ban. These numbers are about equally distributed across the six districts. As RTM members, we have received **numerous** letters and phone calls asking us to support the Ordinance. Grass roots support for this initiative is very strong and we **must** represent our constituents.
2. **Six Million plastic bags** are estimated to be distributed in Darien. This calculation is based on the national average of 450 bags per person times the adult population in Darien, based on census data. This estimate was verified with numbers received from Stop&Shop and CVS. An independent investigation by the RTM Public Works Committee, has come to roughly the same conclusion.
3. Like laws that disallow smoking in public places and seat belt laws, we don't feel oppressed by legislation that would prompt us to use the more **sustainable alternative** of reusable bags. *not*
4. Westport has had the ban in place for many years. Merchants in Westport have not been adversely affected by the plastic bag ban. A video recording of the Stop&Shop manager interviewed by a local TV station shows that Stop&Shop in Westport **did not suffer financial hardship** because the ordinance was instrumental in not only getting rid of plastic bags, but also **reduced the number of paper bags** used. This resulted in **net savings** for the store.
5. There will be no financial impact on the town of Darien, because based on the Westport experience; we don't expect many compliance issues. The compliance officer will not actively seek violations, rather he/she will respond to complaints from the public. Westport has had 3 violations in 3 years. All were resolved with a phone call.

Thank You

**RTM MEETING SEPTEMBER 24, 2012  
PUBLIC HEALTH & SAFETY REPORT  
Resolution (12-18)**

I am Carolyn Schoonmaker, District 4, and Chairman of Public Health & Safety Committee of the RTM.

PH&S Committee met tonight with 9 of 11 members present and voting.

After meeting since the beginning of the summer on the subject of banning plastic bags in Darien, circulating various emails and information on the plastic bag ban in other locations, and attending meetings of other committees discussing the "choose to reuse" issue, the committee voted 4 in favor of (12-18) and 5 against Resolution (12-18) regarding plastics bags.

Those in favor of the motion said that (1) according to merchants in neighboring towns with the ban in place the cost to merchants would not increase because they would not purchase heavy plastic bags, would not need as many paper bags with the sale of reusable bags and would benefit from marketing on the reusable bags; (2) the thin plastic bags that are used with food, newspapers, etc. can be used for other purposes, collected, or incinerated, but cannot be reused for food because they are unsanitary; (3) the heavier plastic bottles and jugs are not in question at this time and can sometimes be recycled into other products; and finally several communities have found the ban a successful tool to help clean up the environment.

Those against the motion said that (1) most bags thrown into the garbage are incinerated; (2) many people reuse their bags to line wastebaskets, pick up animal feces, carry food; (3) people do not want government to micromanage their lives; (4) people believe that education on the subject of using reusable bags is preferable to legislation on a ban requiring town to pay for enforcement, and a \$150 fine on local stores.

The Public Health Department in Town Hall did not wish to spend its time on the enforcement of this possible ordinance and the Environmental Protection Department indicated it was willing to enforce an ordinance as it received complaints from the public in Darien. The EP Department did indicate that it did not have the staff to actively enforce the ban.

The only health issue that came across the internet regarding reusable bags was that if the bags were not washed from time to time, e-coli could develop in dirty bags. This was not mentioned in the the U.S.A.

Respectfully submitted,  
Carolyn Schoonmaker,  
Chairman, PH&S

Cassandra Hegarty, District 1 and Member of the Public Health & Safety Committee. I am here to present the minority report for the vote on Ordinance 12-18.

While our committee did not vote in favor of the ordinance (5 to 4), those of us who did have a few points we would like to illustrate. Pollution is a Public, Health & Safety issue and it is a continuing global catastrophe. Plastic bag bans are part of the solution at a worldwide level. Over 100 cities and towns across the globe have adopted legislation including those close to home: Rye, Southampton, and Westport. Why is Darien any different than these economies?

As recently as August 13th, The CT Department of Energy and Environmental Protection reported elevated concentrations of ground level ozone pollution in Fairfield County. In 2011, Connecticut experienced double digit unhealthy air quality days and The American Lung Association's State of the Air 2012 report ranked Fairfield County as the 24th most polluted county in the country and municipal waste combustors are cited as one of the contributors to this pollution in our county. They emit acid gas emissions (sulfur dioxide, hydrogen chloride, and nitrogen oxides); metal emissions (mercury, lead, cadmium, and particulate matter); and organic emissions (dioxin/furans and carbon monoxide) - all toxins that even at miniscule and regulated levels. Plastic bag incineration is part of this pollution - it is this, along with future production and the existing bags in circulation, that will take a toll on our environment. They will stay with CT for a long time: and thus, in our lungs, in our landfills, in our oceans, and on our streets.

Darien IS a contributor - no matter how minor. The burden of plastic bags on the global waste disposal system are unrefuted. The correlation between the reduction of plastic bags and the reduction of pollution is well documented. Even the smallest step to reduce pollution will make a difference - to protect our wildlife, preserve our natural resources and make the air cleaner for our children's children.

We must think of this as a global issue and to make a difference we need to act locally. Darien has the opportunity to be part of the solution not the problem and voting in favor of this ordinance would be a prudent and reasonable alternative in an effort to reduce consumption.

The difference we can make in passing this resolution is not just reducing Darien's six million plus plastic bags in the waste stream but it is most importantly, the leadership role we can take on this issue. We find this ordinance fair and reasonable and it would be a small step with a big impact.

Thank you.

**Finance & Budget Committee  
Report to RTM, September 24, 2012**

**(12-18) RTM RESOLUTION ADOPTING AN ORDINANCE BANNING  
PLASTIC CHECKOUT BAGS**

I am Bruce Orr, District 3 and Chair of Finance and Budget.

The F&B committee met on September 17, 2012 for a Regular Meeting. Due to the School holiday, 4 of 13 members were present.

The Committee had an active and animated discussion on the topic of banning plastic checkout bags

While we were short of a quorum, The Committee carried forth an "informal meeting" and a poll was taken and voted unanimously to NOT to approve this Amendment to the Town Code of Ordinances

The members cited the following reasons to reject this ordinance:

- It was felt that most residents are active "recyclers" – without the Town legally requiring its citizens to do so - and with the advent of single stream recycling, the process became even easier for those who previously were "not with the program".
- The Town generates revenue from its recycling efforts, offsetting the cost of operating the transfer station, which currently operates at a loss.
- The enforcement of a plastic bag ban could increase departmental costs of the EPC, which, given our rigor at keeping Town expenses in check, is inconsistent with the Committee's philosophy.
- Some members were not convinced that the evidence of a ban on plastic bags would have any meaningful impact on the environment and did not believe that the ban outweighs a business owner's right to choose.
- In general, the Committee felt that the role of the RTM is to legislate those items that have direct impact on the citizens and taxpayers of Darien.

Bruce G. Orr, Sr.  
Chairman, September 24, 2012