

OK ✓

**REGULAR MEETING MINUTES**  
**COLUMBIA BOARD OF SELECTMEN**  
**Tuesday, July 18, 2017 – 7 pm**  
**Adella G. Urban Administrative Offices Conference Room**  
**323 Route 87, Columbia, CT**

**Members Present:** First Selectman Carmen Vance; Selectman William O'Brien; Selectman Robert Hellstrom; Selectman Robert Bogue.

**Also Present:** Superintendent Lol Fearon; Town Historian Ingrid Wood; Ann Dunnack; *The Chronicle* reporter Kate Tchelidze; Eagle Scout Will Rood.

**CALL TO ORDER:** C. Vance called the meeting to order at 7 pm.

1. **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited.
2. **MINUTES: BOS Regular Meeting Minutes of June 20, 2017:** W. O'Brien MOVED to approve to BOS regular meeting minutes of June 20, 2017. MOTION CARRIED 4:0.
3. **AUDIENCE OF CITIZENS:** C. Vance presented a beautiful plaque to the BOS which lists all of Columbia's First Selectmen, from 1804 - present. The plaque will be displayed in the Conference Room in the Town Hall Adella G. Urban Administrative Offices Building.
4. **OLD BUSINESS:** None.
5. **NEW BUSINESS:**
  - 5.1 **Resident State Trooper Contract:** W. O'Brien MOVED to authorize the town to sign the Resident State Trooper Contract for FY 2017-2018. MOTION CARRIED 4:0.
  - 5.2 **Eagle Scout Project – Will Rood:** Will Rood passed out a project description to the BOS. He explained that he would like to modernize the trailhead sign at Rec Park by painting and restructuring it. He would also like to redo the maps by updating the trail information. The final part of his project will be to add more signage to the trails, making them clearer for hikers. W. Rood discussed the benefits to his project and stated that he would like to hold a car wash to raise funds. His goal is to execute the project in early September. He will be re-measuring all trails. Ann Dunnack stated most of the trails are on Joshua's Trust property and suggested he contact Joshua's Trust so they are aware of the project. He agreed to contact Joshua's Trust to inform them of his proposal. M. Walter explained that the Town Planner Paula Stahl may be helpful with providing him maps that she recently created of all the trails. He also recommended that W. Rood get in touch with the Public Works Director to bring him up to speed on his proposed project. Discussion followed. W. O'Brien MOVED to approve the Eagle Scout project presented by W. Rood. MOTION CARRIED 4:0.
  - 5.3 **BOE Bid Waiver Request:** L. Fearon explained that the school would like to upgrade to Avaya IP phone system because the current system is very old and outdated. He stated that in February and March, a review committee met with three vendors (Genie Innovations, Intellinet, and American Business Telephone and Technologies) to review their products. L. Fearon explained that the only company willing to install a hybrid VoIP system is American Business Telephone and Technologies (ABT). The other two vendors only offered a full VoIP system, which would cost approximately \$60,000 - \$100,000, and would be overkill for a system the size of the schools. ABT will provide full installation of a hybrid VoIP, software licensing and staff training for \$21,250. He stated that this is also the same system and vendor that the town used for its phone system. Discussion followed. R. Bogue MOVED to approve the bid waiver request for installation of VoIP phone system as presented. MOTION CARRIED 4:0.

L. Fearon that the BOE anticipates a year end surplus of approximately \$60,000 - \$75,000 due to some changes in special ed enrollment, and savings in healthcare and transportation. He stated that the schools fire suppression control system needs to be replaced and explained that the manufacturer no longer makes the model therefore they must replace the motherboard. L. Fearon stated that after discussion at the last BOE meeting, they would like to apply approx \$25,000 to this project for a new motherboard. He explained that the BOE plans to apply some of the remaining surplus to the non-lapsing account as well as return some to the town.

**5.4 Beach Project Advisory Committee (BPAC): C. Vance explained that** The Beach Project Advisory Committee (BPAC) will meet on an as-needed basis and consist of the following seven (7) members:

Carmen Vance	First Selectman
Mark Walter	Town Administrator
George Murphy	Public Works Director
Bud Meyers	Facilities Manager
Marc Volza	Director of Parks and Recreation
Bob Powell	Marine Patrol Director
Millie Ramsey	Resident

The main purpose of BPAC will be to oversee the beach renovation project and make suggestions/recommendations they feel necessary. Other duties include, but are not limited to:

- Elect a chair, vice-chair and secretary;
- Assist in evaluating the work of contractors and advise to approve and/or disapprove payment of invoices and change orders as submitted to the town;
- Upon completion of the beach project, make a report to the Board of Selectmen.

R. Bogue MOVED to approve the creation of the Beach Project Advisory Committee (BPAC) and appoint the individuals listed above to serve on BPAC until completion of the beach project. MOTION CARRIED 4:0.

**6. COLUMBIA LAKE / DAM / BEACH:** None.

**7. APPOINTMENTS / RESIGNATIONS:**

**7.1 Resignation of Assistant Tax Assessor Keri-Lynn Lewis:** The BOS recognized the resignation of K. Lewis.

**7.2 Appointment of Daved Lewandowski as Gate Monitor:** C. Vance MOVED to appoint D. Lewandowski as Gate Monitor for the 2017 season. MOTION CARRIED 4:0.

**7.3 Appointment of Nicholas Richardson as 2017 Lifeguard Sub:** C. Vance MOVED to appoint N. Richardson as a lifeguard sub for the 2017 season. MOTION CARRIED 4:0.

M. Walter informed the BOS that due to recent turnover with the lifeguard staff the Rec Director will be interviewing two more lifeguards next week. If they are chosen to be hired, they will require BOS approval at a meeting in the near future.

**8. TOWN ADMINISTRATOR REPORT:** M. Walter presented the Assistant Assessor job description to the BOS and discussed a couple of minor changes being proposed by himself and the Assessor. W. O'Brien expressed concern with lowering the qualifications to more of an "entry level" in case the Assessor is out and the Assistant is needed to cover the position. M. Walter stated at this time, the town does not have the hours/wages budgeted to pay for the training and education to certify the assistant. Discussion followed. C. Vance MOVED to approve revised job description as presented. MOTION CARRIED 4:0.

M. Walter explained that the PZC would like the BOS to request they provide input on the proposed fracking waste ban. C. Vance will email PZC Chairman Rick Nassiff with this request.

- 9. CORRESPONDENCE:**  
**9.1 Monthly Police Report – June 2017**  
**9.2 Thank you letter dated 7/6/17 to BOS from Conservation and Ag Committee and thank you letter from Tyree family**  
**9.3 Prescription Drug Discount Program – May 2017**  
**9.4 CT State Library – Historic Documents Preservation Grant FY 2018**  
**9.5 Town Historian Report FY 2016-17**

**10. BUDGET:**

- 10.1 Transfers:** R. Bogue MOVED to approve the following transfers:

TRANSFER # / AMOUNT	FROM A/C #, DESCRIPTION	TO A/C #, DESCRIPTION
2017-063 / \$2,48	10-4250-010 / CONA Salaries, Van Svcs	10-4250-500, CONA Prof/Tech
2017-063 / \$2,572 <b>TOTAL \$4,720</b>	10-4250-240 / CONA Fuel, Van Svcs	10-4250-500, CONA Prof/Tech
2017-064 / \$2,535	10-4410-515, DPW Contracted Svcs	10-4410-610, DPW Bldgs/Grounds/Rep/Maint.
217-065 / \$611	10-4350-010, Lake Management Salaries	10-4350-300, Lake Management General Supplies

MOTION CARRIED 4:0.

- 10.2 Refunds:** R. Bogue MOVED to approve the following refunds:

AMOUNT	FROM	TO
\$177.73	Town of Columbia	CAB East LLC
\$360.45	Town of Columbia	CAB East LLC
\$202.42	Town of Columbia	CAB East LLC
\$179.60	Town of Columbia	CAB East LLC

MOTION CARRIED 4:0.

- 11. APPROVE PAYMENT OF BILLS:** R. Bogue MOVED to approve the payment of bills including regular bills, emergency bills, library grant, credit cards and paychex totaling \$426,589.72. MOTION CARRIED 4:0.

- 12. BOARD MEMBER COMMENTS:** None.

**13. EXECUTIVE SESSION:**

- 13.1 Real estate per State Statutes Section 1-200(6)(D); Pending Litigation per State Statutes Section 1-200(6)(B); Personnel per State Statues Section 1-200(6)(A);** None.

- 14. ADJOURNMENT:** C. Vance MOVED to ADJOURN at 7:51 pm. and the MOTION CARRIED UNANIMOUSLY.

Respectfully submitted by Kimberly A. Bona



**NOTICE OF PUBLIC HEARING  
COLUMBIA, CT**

The Columbia Board of Selectmen has set a public hearing for Tuesday, August 15, at 7 pm in Yeomans Hall, 323 Route 87, Columbia, Connecticut for the purpose of providing the public an opportunity to speak to a draft ordinance entitled "Fracking Waste Ban."

Free copies of the draft ordinance are available in the Town Clerk's office and at [www.columbiact.org](http://www.columbiact.org).



## Kim Bona

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**From:** Bryan Tarbell [tarbell.bryan@gmail.com]  
**Sent:** Monday, July 31, 2017 9:07 PM  
**To:** Kim Bona  
**Subject:** Re: Recommendation from EAC

Hi Kim, sorry I just got this email now. We just got back from the Cape. Yes, the EAC absolutely supports a Fracking Waste Ban. Aug 15 is good.

Let me know if you need anything else.

Thanks,  
Bryan

On Jul 31, 2017 8:59 AM, "Kim Bona" <[kbona@columbiact.org](mailto:kbona@columbiact.org)> wrote:

Hi Bryan,

Could you please send me a quick email stating that the EAC supports the Fracking Waste Ban, and would like to move forward with a Public Hearing? The BOS would like to set a date for a Public Hearing tomorrow night. Most likely will be 8/15 at 7 pm, does that work for you?

Thanks,

*Kimberly A. Bona*

*Executive Assistant*

323 Route 87

Town of Columbia, CT

860-228-0110

fax 860-228-1952



## Kim Bona

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**From:** Roberts, Richard P. [ROBERTS@halloransage.com]  
**Sent:** Monday, July 31, 2017 4:03 PM  
**To:** Town Administrator  
**Cc:** Kim Bona; Beck, Henry M.  
**Subject:** RE: Legal Fracking PH  
**Attachments:** Legal Notice for Columbia Fracking Ban Ordinance PH.doc

Attached is a redline version of the fracking ban ordinance with a couple of changes. One of them changes "affect" to "effect". The other one ties the penalties section to the town's existing citation hearing procedure ordinance so that there is consistency in enforcement. Note that the existing citation ordinance sets a maximum daily penalty of \$150. Otherwise, it is generally consistent with the form of ordinance that other towns have adopted. Despite the claim of consistency, there are minor wording variations among the different towns and some of them have the sections in a different order. None of those changes or differences has any substantive effect on what it is designed to accomplish. Please let me know if you have any other questions or concerns. Thanks very much.

### RESPONSES TO:

Richard P. Roberts, Esq.  
Halloran & Sage LLP  
225 Asylum Street  
Hartford, CT 06103-4303  
Telephone: 860-297-4695  
Fax: 860-548-0006  
<mailto:roberts@halloransage.com>  
[www.halloransage.com](http://www.halloransage.com)

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# TOWN OF COLUMBIA

## ORDINANCE PROHIBITING THE STORAGE, DISPOSAL OR USE OF WASTE FROM OIL AND GAS EXPLORATION OR EXTRACTION ACTIVITIES, OR ANY DERIVATIVE THEREOF, IN THE TOWN OF COLUMBIA, CONNECTICUT

**WHEREAS**, the Town of Columbia (hereinafter "Town") wishes to protect the public health, safety and welfare of all of its citizens and guests; and

**WHEREAS**, oil and gas drilling and extraction wastes have been recognized as harmful and dangerous to the environment; and

**WHEREAS**, General Statutes §7-148(c)(4)(H), §7-148 (c)(7)(H)(xi), §7-148(c)(8), and §7-148(c)(7)(H)(ii), as amended, provide that the Town may limit and regulate such wastes for the protection of the health, property, safety and welfare of the residents of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SELECTMEN OF THE TOWN OF COLUMBIA:**

**Section 1.** That the Code of Ordinances of the Town of Columbia be amended by adding a new section to read as follows:

### **A. Definitions.**

For the purposes of this Ordinance, the following terms, phrases, and words shall have the meanings given here, unless otherwise clearly indicated by the context:

1. "*Hydraulic fracturing*" shall mean the fracturing of underground rock formations, including shale and non-shale formations, by manmade fluid-driven techniques for the purpose of stimulating oil, natural gas, or other subsurface hydrocarbon production.
2. "*Natural gas extraction activities*" shall mean all geologic or geophysical activities related to the exploration for or extraction of natural gas, including, but not limited to, core and rotary drilling and hydraulic fracturing.
3. "*Oil extraction activities*" shall mean all geologic or geophysical activities related to the exploration for or extraction of oil, including, but not limited, to, core and rotary drilling and hydraulic fracturing.
4. "*Natural gas waste*" shall mean: a) any liquid or solid waste or its constituents that is generated as a result of natural gas extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants; b) leachate from solid wastes associated with natural gas extraction activities; c) any waste that is generated as a result of or in association with the underground storage of natural gas; d) any waste that is generated as a result of or in association with liquefied petroleum gas well storage operations; and e) any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.

5. "Oil waste" shall mean: a) any liquid or solid waste or its constituents that is generated as a result of oil extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants; b) leachate from solid wastes associated with oil extraction activities; and c) any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.
6. "Application" shall mean the physical act of placing or spreading natural gas waste or oil waste on any road or real property located within the Town of Columbia.

**B. Prohibitions.**

1. The application of natural gas waste or oil waste, whether or not such waste has received Beneficial Use Determination or other approval for use by DEEP (Department of Energy & Environmental Protection) or any other regulatory body, on any road or real property located within the Town for any purpose is prohibited.
2. The introduction of natural gas waste or oil waste into any wastewater treatment facility within or operated by the Town is prohibited.
3. The introduction of natural gas waste or oil waste into any solid waste management facility within or operated by the Town is prohibited.
4. The storage, disposal, sale, acquisition, transfer, handling, treatment, and/or processing of waste from natural gas or oil extraction is prohibited within the Town.
5. Nothing in this Ordinance shall be interpreted to ban the transportation of any product or by-product described herein on any roadway or real property within Columbia.

**C. Provision to be included in bids and contracts related to the construction or maintenance of publicly owned and/or maintained roads or real property within the Town.**

1. All bids and contracts related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the Town shall include a provision stating that no materials containing natural gas or oil waste shall be utilized in providing such a service.
2. All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within the Town shall include a provision stating that no materials containing natural gas or oil waste shall be provided to the Town.
3. The following statement, which shall be a sworn statement under penalty of perjury, shall be included in all bids related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and or maintained road or real property within the Town and all bids related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the Town:

*"We \_\_\_\_\_ hereby submit a bid for materials, equipment and/or labor for the Town of Columbia. The bid is for bid documents titled \_\_\_\_\_. We hereby certify under penalty of perjury that no natural gas waste or oil waste will be used by the undersigned bidder or any contractor, sub-contractor, agent or vendor agent in connection with the bid; nor will the undersigned bidder or any sub-contractor, agent or vendor agent thereof apply any natural gas waste or oil waste to any road or real property within the Town of Columbia as a result of the submittal of this bid if selected."*

#### **D. Penalties.**

In response to a violation of this Ordinance, the Town, acting through the First Selectman or his/her designee, is authorized to issue written orders ~~may to~~ require remediation of any damage done to any land, road, building, aquifer, well, watercourse, air quality or other asset, within the Town of Columbia. The Town, acting through the First Selectman or his/her designee, may also impose fines in the amount of ~~one~~two hundred and fifty dollars (\$~~1~~250.00) per violation per day for any violation of this Ordinance and any other remedies allowable under the law. Any person receiving such an order or fine from the First Selectman or his/her designee may appeal the same in accordance with the Town's Ordinance #22-3.

#### **Section 2.**

A. Each day on which a violation occurs or continues after the time for correction of violation given in any order has elapsed shall be considered a separate violation of this Ordinance.

B. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

C. If any provision of this Ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this Ordinance that can be given ~~effect~~effect without the invalid provisions or applications; and to this end, the provisions of this Ordinance and the various applications thereof are declared to be severable.

