

DRAFT MINUTES
GENERAL COUNSEL COMMISSION
REGULAR MEETING OF DECEMBER 8, 2016

Present: Councilwoman and Chair Mary Bartolotta, Councilwoman Kleckowski (came to meeting during the discussion on the Fracking Ordinance), Councilman Daley, and Councilman Nocera. Staff: Deputy General Counsel Kori Wisneski

Members of the Public who signed in: Evelyn Shaw, Mallory Buckingham, Jim Fellows, Jen Siskind, and Jennifer Saines.

Call to Order:

Meeting was called to order at 7:05 p.m.

Rec'd for Record 12/13/16 @ 11:55am at H m M
Recorded by *Lyni. Burtman*
Town Clerk

Public Comment:

Jim Fellows – He was present to voice his support for the Fracking Ordinance. He asked questions about why the amount was specified directly in the ordinance. He doesn't feel that the amount set forth in the ordinance is a strong deterrent and maybe we can come up with a stronger deterrent than fines. He inquired about the other proposed changes and asked whether staff could address his questions during the formal discussion on the ordinance.

Carolyn Shaw – Middletown has a responsibility to have the toughest language when it comes to the fracking ordinance.

Mallory Buckingham – Thanked the GCC for their time on this important topic.

Jen Siskind – She brought up that there is another statute that can be listed on the fracking ordinance as authority. Her biggest concern is taking out the word "handling" when it comes to prohibitions, such as the handling of materials that doesn't have to do with processing or treatment which could cause a risk of contamination. She also asked whether there should be more information about when and for what a fine would be appropriate for. Changing of the word "may" in the penalty section leaves it open as to whether the City will take action or not.

Approval of Minutes:

Councilman Daley made a MOTION to approve the Minutes from the November 10, 2016 Regular Meeting. The Motion was seconded by Councilman Nocera. The Motion passed unanimously.

New Business:

A. Discussion of 2017 Meeting Schedule

After a brief discussion, Councilman Daley made a MOTION to keep the 2017 meeting

schedule the same as 2016. The Motion was seconded by Councilwoman Bartolotta. The Motion passed unanimously.

B. Ordinance – Fracking Ordinance (120-28)

Based on Ms. Siskand’s comments, Attorney Wisneski researched whether her proposed section of the home rule should be added to the ordinance and based on that research, which showed that the section could apply, the Commission decided to add another section of the home rule as authority for this ordinance. The Commission also decided to add the word “handling” back to the Prohibitions section of the ordinance. In the penalties section of the ordinance, the Commission added the phrase, “per violation per day” after the statement of the fine. In addition, the Commission asked staff to add the phrase “any other remedies allowable under Connecticut law” to the last sentence of the penalties section of the draft ordinance.

Councilman Daley made a MOTION to approve the ordinance with the amendments discussed during the session. The Motion was seconded by Councilman Nocera. The Motion passed unanimously with 1 abstention by Councilwoman Kleckowski.

C. Executing session pursuant to 1-200(6)(A) to discuss employee’s request for 30 day sick time advancement.

Councilman Daley made a MOTION to go into executive session. The Motion was seconded by Councilwoman Kleckowski. The Motion passed unanimously.

Councilman Daley made a MOTION to come out of executive session. The Motion was seconded by Councilwoman Kleckowski. The Motion passes unanimously.

Councilman Daley made a MOTION to approve the 30 day advancement for William Speller. The Motion was seconded by Councilwoman Kleckowski. The Motion passed unanimously.

Other

A. Vacancy Report: Report dated 12/8/16 was reviewed – No action required.

B. Legal Bills: None

Adjournment:

MOTION to Adjourn by Councilwoman Bartolotta. The Motion was seconded by Councilman Daley. Motion was unanimous and meeting ended at 7:38 p.m.