



# BOARD OF SELECTMEN

Clifford J. Hurgin Municipal Center, 1 School Street  
Bethel, Connecticut 06801 Telephone: (203) 794-8501

*Matthew S. Knickerbocker, First Selectman*  
*Richard C. Straiton, Selectman*  
*Paul R. Szatkowski, Selectman*

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TOWN OF BETHEL

## MINUTES OF SPECIAL MEETING

Tuesday, November 13, 2018  
6:30 p.m.  
CJH Municipal Center – Meeting Room “A”

**Present:** First Selectman Matthew Knickerbocker, Selectman Richard Straiton, Selectman Paul Szatkowski and Town Counsel Martin Lawlor. Also in attendance was Joe Breferre with Hudson Valley Fire Equipment.

First Selectman Knickerbocker called the meeting to order at 6:30 p.m.

**Approval of minutes from Public Hearing, October 26, 2018, Regular Meeting, October 16, 2018, Special Meeting, October 23, 2018 and Special Meeting, November 7, 2018:** First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton to approve the minutes of Public Hearing, October 16, 2018 instead of October 26, 2018 as stated on the agenda. Vote, all in favor, motion approved unanimously.

First Selectman Knickerbocker made a motion, which was seconded by Selectman Szatkowski to approve the minutes of regular meeting, October 16, 2018. Vote, all in favor, motion approved unanimously.

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton to approve the minutes of special meeting, October 23, 2018. Vote, all in favor, motion approved unanimously.

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton to approve the minutes of special meeting, November, 7, 2018. Vote, all in favor, motion approved unanimously.

**Consideration of Tax Refunds:** First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton to authorize the refunds of \$7,054.40 in overpayment of taxes. Vote, all in favor, motion approved unanimously.

**Consideration of Bid Process Waiver for the Bethel Fire Department Fire Engine:** First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton to approve the bid process waiver for the Bethel Fire Department Fire Engine. Discussion ensued, Joe Breferre with Hudson Valley Fire Equipment answered questions and First Selectman Knickerbocker read the waiver.

**RESOLVED**, that the Board of Selectmen, in accordance with the provisions of the Town of Bethel Charter, Section C8-13.C.(4)(iii), finds that it is in the public interest and the public economy to waive the advertising and bidding requirements with respect to the purchase of one (1) Seagrave Marauder II Stainless Steel Custom Pumper (the "Pumper") and award the bid to Seagrave Fire Apparatus, LLC under HGAC contract #FS12-17 for the total consideration of \$659,721.00 for the following reasons:

- 1.) That funding in the amount of \$660,000.00 for the Pumper was included and approved as a capital expenditure at the Budget Town Meeting for the Fiscal Year 2018-2019.
- 2.) The Bethel Volunteer Fire Department formed a Committee to investigate and to secure the best Pumper available at a price within the amount of the approved expenditure. That the Committee exchanged with and received information from four major manufacturers regarding the need for said Pumper and came to the conclusion that Seagrave met all of the needs of the Bethel Volunteer Fire Department.
- 3.) In addition, the Committee received competitive prices through the HCAC organization out of the State of Texas which is a nationwide governmental procurement service performing governmental functions that screens manufacturers and contractors for governmental purchases through a cooperative purchasing program.
- 3.) That HCAC has secured bids for at least forty (40) Connecticut municipalities, several State of Connecticut universities and several Connecticut municipal fire departments.
- 4.) At least twenty (20) Connecticut municipal fire departments have purchased Seagrave firefighting equipment and/or vehicles.

6.) There are a limited number of companies that supply such Pumpers. The shortage of such companies could lead to a protracted and costly process of placing the vehicle out to bid with questionable results as to number of bidders and the amount of any bid.

7.) That the contract price of \$659,721.00 for said Pumper is fair and reasonable price for such Pumper and acceptance of said price would be in the best interests of the Town of Bethel.

**And It Is Further Resolved** that the First Selectman and or his designee(s) on behalf of the Board of Selectmen, is hereby authorized to execute any and all documents and to take any actions necessary or appropriate to effectuate and finalize the foregoing, subject to final review and approval by Town Counsel.

Vote, all in favor, motion approved unanimously.

**Consideration of Bid Waiver for breathing apparatus that no longer meets NFPA requirement:**

First Selectman Knickerbocker made a motion, which was seconded by Selectman Szatkowski to approve the bid waiver for the breathing apparatus that no longer meets NFPA requirement. Discussion ensued and First Selectman Knickerbocker read the waiver.

**RESOLVED**, that the Board of Selectmen, in accordance with the provisions of the Town of Bethel Charter, Section C8-13.C.(4)(iii) finds that it is in the public interest and economy to waive the public advertising requirements for the highest bidder pursuant to Bethel Charter, Section C8-13.(4)(iv) with respect to the sale of One (1) Breathing Air Compressor (the "Compressor") of the Bethel Volunteer Fire Department (the "BVFD") and transfer the same to the City of Danbury, CT for the amount of Two Thousand Five Hundred (\$2,500.00) Dollars for the following reasons:

1.) That the Compressor no longer meets the requirements of the BVFD with the updated equipment that the BVFD now has

2.) That the Compressor may be continued to be used as a reserve for various fire apparatus' or for by a fire company with older equipment but due to its age, there is not a great demand for the Compressor.

3.) The lack of demand would result in a protracted and costly process of placing the Compressor out to bid with questionable results as to number of bidders and the amount of any bid

4.) That the waiving of advertising and receiving of bids will result in substantial time and cost savings which will allow for a quick sale of the vehicle at a known price and a return of funds to the Town of Bethel.

5.) That the offer of the City of Danbury, CT of Two Thousand Five Hundred (\$2,500.00) Dollars represents a reasonable and fair consideration in exchange for the Compressor and it is in the best interest of the Town Bethel to accept the same.

**AND IT IS FURTHER RESOLVED** that the First Selectman and or his designee(s) on behalf of the Board of Selectmen, is hereby authorized to execute any and all documents and to take any actions necessary or appropriate to effectuate and finalize the foregoing.

Vote, all in favor, motion approved unanimously.

**Consideration of ROTC sale of old computer equipment:**

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton to approve the release of approximately 90 old IMACS and 150 Samsung Chrome books to be refurbished and sold by the NJROTC, the sale of computers would be put back into the Town's budget per the Charter and said funds would be distributed to the NJROTC during the 2019-2020 budget. Vote, all in favor, motion approved unanimously.

**Consideration of Fracking Ordinance:**

First Selectman Knickerbocker made a motion, which was seconded by Selectman Szatkowski to approve the proposed ordinance prohibiting the unlawful storage, disposal or use of waste from hydraulic fracturing that was presented at the meeting on November 13, 2018. Discussion ensued, Selectman Szatkowski asked that the fines be increased and First Selectman Knickerbocker modified his original motion to include that the fines would be \$500 per violation. (see attachment). Vote, all in favor, motion approved unanimously.

**Consideration of location for donation of new Creche:**

First Selectman Knickerbocker made a motion, which was seconded by Selectman Szatkowski to accept the completed application from Tim Martin to use P. T. Barnum Sq for the Creche display for no more than 60 days beginning November 17, 2018. Discussion ensued and First Selectman Knickerbocker stated that due to concerns with the limited space they would accept the first completed application they received and acknowledging the other request he would like to establish a Display Policy Committee after the first of the year and formalize a written display policy for the future. Vote, all in favor, motion approved unanimously.

**Consideration of Tobacco/ Smoke and Vape-Free Parks Policy:**

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton to adopt the Tobacco/ Smoke and Vape-Free Parks Policy presented on November 13, 2018. This policy will be made effective on January 1, 2019. Vote, all in favor, motion approved unanimously.

As there was no other business on tonight's agenda, First Selectman Knickerbocker made a motion, which was seconded by Selectman Szatkowski to adjourn the meeting at 6:15 p.m.

Respectfully submitted



Dionne Craig  
Recording Secretary

## TOWN OF BETHEL

### **ORDINANCE PROHIBITING THE UNLAWFUL STORAGE, DISPOSAL OR USE OF WASTE FROM HYDRAULIC FRACTURING.**

#### **I. PURPOSE**

Consistent with Conn. Gen. Stat. § 22a-472, et seq., as the same may be amended from time to time, the purpose of this ordinance is to protect the health, safety and general welfare of the public by prohibiting the unlawful use and storage of Waste from Hydraulic Fracturing within the Town.

#### **II. DEFINITIONS**

- (1) "Dispose" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any Waste from Hydraulic Fracturing, or any constituent of such Waste from Hydraulic Fracturing, into or on any land or water within the Town;
- (2) "Fluid" means any material or substance that flows or moves whether in semisolid, liquid, sludge, slurry, gas or any other form or state;
- (3) "Gas" means all natural gas, weather hydrocarbon or non-hydrocarbon, including, but not limited to, hydrogen sulfide, helium, carbon dioxide, nitrogen, hydrogen and casing head gas;
- (4) "Oil" means all petroleum or crude oil that is a naturally-occurring flammable mixture of hydrocarbons found in geological formations;
- (5) "Hydraulic Fracturing" means the process of pumping a fluid into or under the surface of the ground in order to create fractures in rock for exploration, development, production or recovery of gas or oil. "Hydraulic fracturing" does not include the drilling or repair of geothermal water well or any other well drilled or repaired for drinking water purposes;
- (6) "Person" means any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency political or administrative subdivision of the state;
- (7) "Radioactive materials" means any material, solid, liquid or gas, including, but not limited to, waste that emits ionizing radiation spontaneously;
- (8) "Store" means holding Waste from Hydraulic Fracturing for any period of time, be it temporary, intermediate, long term or indefinite;
- (9) "Transfer" means to move from one vehicle to another or to move from one mode of transportation to another;
- (10) "Treat" means any method, technique or process designed to change the physical, chemical or biological character or composition of any Waste from Hydraulic

Fracturing, including, but not limited to, the reclaiming or rendering of Waste from Hydraulic Fracturing as suitable for use or reuse;

- (11) "Waste from Hydraulic Fracturing" means any wastewater, wastewater solids, brine, sludge, drill cuttings or any other substance used for or generated secondarily to the purpose of hydraulic fracturing; and
- (12) "Transport" means to take or carry from one place to another by vehicle, aircraft, or ship.

### III. PROHIBITIONS

- a) No person may accept, receive, collect, store, treat, transfer, transport or dispose of any Waste from Hydraulic Fracturing within the Town.
- b) No person may sell, offer for sale, offer, barter, manufacture, distribute or use any product for anti-icing, de-icing, pre-wetting or dust suppression that is derived from or that contains Waste from Hydraulic Fracturing unless such product is approved for use by the Connecticut DEEP.
- c) Nothing in this ordinance is intended to prohibit the use of oil and gas products that may contain Waste from Hydraulic Fracturing as incidental to the necessary use of such oil or gas products for road or driveway resurfacing and/or other similar construction and/or manufacturing processes, as long as such products are not prohibited for the intended use by the Connecticut DEEP.

### IV. ENFORCEMENT

The Selectmen's (Town Manager's) Office is empowered, either by itself or through a duly authorized agent, to issue "Cease and Desist" orders in the case of any infraction of this ordinance. Such office or officer is further empowered to seek injunctive relief from a court of law, including but not limited to, a court order requiring remediation of any damage done to any land, road, building, aquifer, well, watercourse, air quality or other asset within the Town, be it public or private. The Town shall be entitled to recoup all costs, including reasonable expert and attorney's fees, incurred in enforcing this ordinance and/or its remediation efforts. Such office or agent also may issue citations and may impose fines in the amount of \$250 per violation. Each day of a continuing violation of this ordinance shall be deemed a separate violation for purposes of assessing such fines and penalties.