

**GLASTONBURY TOWN COUNCIL  
REGULAR MEETING MINUTES (AMENDED)  
TUESDAY, JUNE 11, 2019**

The Glastonbury Town Council with Town Manager, Richard J. Johnson, in attendance, held a Regular Meeting at 7:00 p.m. at the Council Chambers of Town Hall, 2155 Main Street, Glastonbury, Connecticut.

**1. Roll Call.**

*Council Members*

Mr. Thomas P. Gullotta, Chairman  
Mr. Lawrence Niland, Vice Chairman  
Dr. Stewart Beckett III  
Ms. Deborah A. Carroll  
Mr. Kurt P. Cavanaugh {arrived 7:08pm}  
Ms. Mary LaChance  
Mr. Jacob McChesney  
Mr. George P. Norman  
Mr. Whit C. Osgood

**(a) Pledge of Allegiance.**

*Led by Director of Sanitation, Mike Bisi*

**2. Public Comment.**

*Mr. Michael Tierney of 84 Hurlburt* expressed concern for the amount and speed of traffic through his neighborhood asking the Town Council to make it a no-through zone and submitted a petition of his neighbors.

*Mr. Bevan Moor of 65Hurlburt* echoed the comments above saying that a tragedy is inevitable but preventable asking the Town Council to take action.

*Mr. Justin Copeland of 187 Hurlburt* echoed the comments above urging the Town Council to take action to prevent through traffic.

**(a) Greg Manzotti – Glastonbury Hartwell Soccer Club**

Mr. Manzotti presented draft plans for a turf field at Baldwin Fields saying that youth soccer is the largest in town and one of the largest youth programs in the state. He said that there is a long and proud tradition in town and this would help lacrosse as well.

*Mr. Cavanaugh arrived at 7:08pm.*

Mr. Manzotti explained that if it is dark or rainy, their teams lose playing time and the competitive environment is moving toward turf.

**3. Special Reports. *None***

**4. Old Business. *None***

**5. New Business.**

**(a) Action on amendment to fees and charges – Transfer Station operations - effective July 1, 2019.**

Mr. Johnson reviewed his memo to the council on the subject dated June 6, 2019, noting that fees are designed to offset costs. Mr. Osgood asked if the payment had changed for just recycling. Mr. Johnson replied saying it's a fixed cost of \$30. Mr. Osgood asked about dropping refuse with recycling and Mr. Johnson said that they would pay the per trip fees. Ms. Carrol asked about how to move forward with a senior discount. Chairman Gullotta said that being a senior, he would recuse himself. Vice Chairman Niland chaired the meeting. Dr. Beckett said that getting rid of their trash is a rapidly increasing cost to the town and knowing many seniors who have significant wealth, he couldn't support the senior discount. He said that instead, they should look at usage and implement a pay as you throw. Mr. Cavanaugh asked about mattresses. Mr. Bisi said that if they are wet or soiled, the mattresses aren't free.

Mr. McChesney supported a senior discount noting many are on fixed incomes. Mr. Osgood also was supportive of a senior discount noting that they will generally produce less trash. He also suggested they look into a volume-based program. Mr. Norman asked about the suspected \$3000 reduced revenues if they provide a senior discount. Mr. Johnson explained their estimates noting that it would only be on the unlimited permit to avoid staff having to evaluate each visit. Mr. Norman asked about pay as you throw. Mr. Johnson said that either bags or stickers are sold and much of the cost is public education. Dr. Beckett suggested they look into vans as many are as big as trucks. Mr. Bisi noted that they used to be able to use the type of plates but that's no longer indicative. Mr. McChesney said he was not opposed to looking into pay as you throw. Mr. Niland supported the senior discount saying he would like to see a 25% savings for seniors noting they produce less waste.

***Motion By:*** Ms. Carroll

***Seconded By:*** Dr. Beckett

BE IT RESOLVED, that the Glastonbury Town Council hereby approves amendments to the Schedule of Fees and Charges for Refuse Disposal Operations effective July 1, 2019, as described in a report by the Town Manager dated June 6, 2019.

**Amendment By:** Mr. McChesney

**Seconded By:** Dr. Beckett

BE IT RESOLVED, that the Glastonbury Town Council hereby amends to motion on the floor to include the 10% senior discount option for unlimited permits as discussed and as described in the report by the Town Manager dated June 6, 2019

**Disc:** Mr. Osgood expressed support.

**Result:** Motion to amend passes unanimously {8-0-0}.

**Result:** Amended motion passes unanimously {8-0-0}.

*Chairman Gullotta returned and chaired the rest of the meeting.*

(b) **Action on Agreement between the Town of Glastonbury and Wastewater Treatment and Facilities Maintenance Collective Bargaining Unit (AFSCME) effective July 1, 2017 – June 30, 2021.** *No discussion or action*

(c) **Action on lease of Town-owned property – 35 Bell Street.**

Mr. Johnson reviewed his memo to the council on the subject dated June 6, 2019.

**Motion By:** Ms. Carroll

**Seconded By:** Dr. Beckett

BE IT RESOLVED, that the Glastonbury Town Council hereby approves the residential lease for the Town-owned property at 35 Bell Street effective June 22, 2019 through June 21, 2020 as described in a report by the Town Manager dated June 6, 2019.

**Result:** Motion passes unanimously {9-0-0}.

6. **Consent Calendar.**

*None*

7. **Town Manager's Report.**

Mr. Johnson reviewed his report to the council dated June 6, 2019, and his supplemental report dated June 11, 2019. Mr. McChesney questioned if the \$500K in state funding that was restored could be used to reduce the mil rate this year and if not possible, if they could use it to reduce the coming year's mil rate. Mr. Johnson said that there was no practical way to adjust the current mil rate for 2020 but they could look at 2021. Mr. Cavanaugh said that once again, Plan B has trash and boxes outside while the other restaurants handle their space appropriately. He suggested that they may need to incur a fine. Ms. Carroll suggested they have an agenda item on gifts. Mr. Osgood asked about Hurlburt. Mr. Johnson said that it is more complicated but would look into it.

## **8. Committee Reports.**

### **(a) Chairman's Report.**

Chairman Gullotta said that the town has excellent compost and mulch urging all to take advantage of it.

### **(b) MDC.**

Mr. Osgood said that the MDC board referred to the water board subcommittee the request from Chestnut Hill residents for public water.

### **(c) CRCOG.**

*No report*

### **(d) Policy & Ordinance Review Subcommittee - Status Report (Tobacco and Nicotine Products).**

Ms. Carroll said that this was put on hold due to movement at the state level.

## **9. Communications.**

### **(a) Letter from CT Siting Council regarding shared use of an existing telecommunications facility located at 63 Woodland Street.**

## **10. Minutes.**

### **(a) Minutes of May 28, 2019 Regular Meeting.**

**Motion By:** Ms. Carroll

**Seconded By:** Dr. Beckett

BE IT RESOLVED, that the Glastonbury Town Council hereby approves as submitted, the minutes of the meeting held May 28, 2019.

**Result:** Motion passes unanimously {9-0-0}

## **11. Appointments and Resignations.**

### **(a) Resignation of Kim Perna from the Board of Assessment Appeals (R-2019).**

**Motion By:** Ms. Carroll

**Seconded By:** Dr. Beckett

BE IT RESOLVED, that the Glastonbury Town Council hereby accepts the resignation of Kim Perna from the Board of Assessment Appeals (R-2019).

**Result:** Motion passes unanimously {9-0-0}

## **12. Executive Session.**

**Motion By:** Ms. Carroll

**Seconded By:** Dr. Beckett

BE IT RESOLVED, that the Glastonbury Town Council hereby adds to the agenda, Potential Property Acquisition.

**Result:** Motion passes unanimously {9-0-0}

### **(a) Potential Property Acquisition**

**Motion By:** Ms. Carroll

**Seconded By:** Dr. Beckett

BE IT RESOLVED, that the Glastonbury Town Council hereby enters into Executive Session at 7:54 pm, for the purpose of discussing a potential property acquisition. In attendance will be Council members and the Town Manager.

**Result:** Motion passes unanimously {9-0-0}.

*Present for the Executive Session item (a) were council members, Mr. Tom Gullotta, Chairman, Mr. Lawrence Niland, Vice Chairman, Dr. Chip Beckett, Ms. Deborah A. Carroll, Mr. Kurt Cavanaugh, Ms. Mary LaChance, Mr. Jake McChesney, Mr. George Norman and Mr. Whit Osgood with Town Manager, Richard J. Johnson.*

**Motion By:** Ms. Carroll

**Seconded By:** Dr. Beckett

BE IT RESOLVED, that the Glastonbury Town Council hereby exits executive session at 8:00 pm.

**Result:** Motion passes unanimously {9-0-0}.

**PUBLIC HEARING AND ACTION ON PUBLIC HEARING – 8:00 P.M.**

**NO 1 PROPOSALS SUBMITTED BY THE MAFFE FOUNDATION AND CONNECTICUT RIVER VALLEY CHAMBER OF COMMERCE UNDER THE 2019 NEIGHBORHOOD ASSISTANCE ACT PROGRAM.**

Mr. Eric Jay, CFO Stone Academy, explained that the program allows 0 EFC students to attend college with no out of pocket expenses. He said that it allows about 13 low income students receive scholarships from the greater Hartford area. Dr. Beckett asked how many students from Glastonbury are impacted and questioned why they had to come to Glastonbury Town Council. Mr. Jay said that there are a couple from Glastonbury and when the East Hartford Chamber dissolved, they merged and joined with the Glastonbury Chamber of Commerce. Chairman Gullotta expressed concern about the program. Mr. Osgood noted that up to \$150,000 goes through Chamber to Stone Academy for scholarships asking if it can be used for anything else. Mr. Jay said it could be used for programs. Mr. Osgood said that even though it is convoluted, he it is a good cause and he has no issues. Hearing nothing further, Chairman Gullotta closed the public hearing.

**Motion By:** Ms. Carroll

**Seconded By:** Dr. Beckett

BE IT RESOLVED, that the Glastonbury Town Council hereby approves the proposal submitted by The Maffe Foundation under the 2019 Neighborhood Assistance Act Program, as described in a report by the Town Manager dated June 6, 2019.

**Disc:** Mr. McChesney, Vice Chairman Niland, Ms. LaChance expressed support. Dr. Beckett expressed support although was unclear why the Town Council was involved. Chairman Gullotta said that Stone Academy is a for-profit organization and that the students would be better off counseled to go to Community College.

**Result:** Motion carries with Chairman Gullotta opposing {8-1-0}.

**NO 2 PROPOSED ORDINANCE REGARDING RETAIL CHECKOUT BAGS.**

**Ms. Alison Couture of 37 Shipman Drive** expressed support of the proposed ordinance saying the town prides itself in being sustainable and environmentally friendly so this is an easy opportunity to lead instead of follow the state should it take action at some point in the future.

**Miss Charlotte Couture of 37 Shipman Drive** expressed support of the proposed ordinance saying that it is bad for the planet and animals.

**Master Will Daigle of 71 Sherwood Drive** expressed support of the proposed ordinance saying that 8 Million pounds of plastic is dumped in the ocean every year and it causes the death of sea mammals, birds and sea turtles.

**Ms. Emily Daigle of 71 Sherwood Drive** expressed support of the proposed ordinance saying that this is exciting that the town can make a small change for a better tomorrow with multi-generational bi-partisan support. She urged the Council not to wait for the state who seldom handles matters on schedule if at all and to do the right thing.

**Mr. Don Goff of 69 High Ridge Road** expressed support of the proposed ordinance saying it isn't a plastic or paper thing, it's about reusable bags and encouraged people to get used to them.

**Mr. Nick Bernaiche of 3045 Main Street** expressed support of the proposed ordinance saying it is a no-brainer to stop using plastic bags, they serve no purpose.

**Mr. Harold Harris of 101 Laurel Trail** opposed the proposed ordinance saying this should be handled through education and not a law which burdens businesses with higher costs.

**Ms. Candice Maningas of 202 Indian Hill Trail** expressed support of the proposed ordinance saying that education is not enough, they need to do more. She spoke to the success of these programs across the nation.

**Ms. Audrey Beatty of 2025 New London Turnpike** expressed support of the proposed ordinance saying regulations need to pick up where education leaves off. She also encouraged the Town Council to reinstate the 10 cents per bag and the increase of the mil thickness from 2.25 to 12.

**Ms. Anne Bowman of 62 Morgan Drive** expressed support of the proposed ordinance as well as the 10-cent charge and increase of the mil thickness for the bags.

**Ms. Chris Krumperman of 202 Grindle Brook Road** expressed support of the proposed ordinance and the 10-cent fee calling it the right thing to do.

**Ms. Emmy Weil of 233 House Street** expressed support of the proposed ordinance saying while she likes plastic bags, she likes the planet better.

**Ms. Denise Weeks of 334 Hollister Way West** expressed support of the proposed ordinance and the 10-cent fee to ensure the businesses aren't penalized.

**Ms. Andrea Allen of 70 Homestead Drive** expressed support of the proposed ordinance saying they need to change their approach and showed everyone lightweight cloth bags that can be used again and again.

**Miss Saachi Shah of 57 Church Hill Road** expressed support of the proposed ordinance saying that the average use of a bag is twelve seconds and it could take 1000 years to break down. She also supported the 10-cent fee and change of the mil thickness. She thanked them for their help for her future and for all the youth.

**Miss Cora Smith of 1459 Neipsic Road** expressed support of the proposed ordinance saying that not only will it help with pollution but it would reduce greenhouse gases. She was also supportive of the 10-cent fee.

**Miss Kelly McCabe of 33 Sunny Slope Drive** expressed support of the proposed ordinance and the 10-cent fee.

**Miss Alinn Nietupski of 41 Ripley Road** expressed support of the proposed ordinance to protect the ocean animals.

**Mr. Bevan Moor of 65 Hurlburt Street** expressed support of the proposed ordinance including the fee for businesses to charge and increase of the thickness of the plastic. He said he was an educator and regulations were important to enact policy changes on top of education.

**Mr. Tom Metzher of 406 Georgetown Drive** expressed support of the proposed ordinance saying that they can't sell their recyclables to China due to the contamination of plastic bags, a problem not shared by Canada. He said that after bags, they need to go after straws, stirrers and Styrofoam to get rid of what they don't need. He said that from someone that works at the state level, they do listen to the municipalities and it is important that it be passed at this level.

**Ms. Hannah Montesi of 65 Briarwood Drive** expressed support of the proposed ordinance and the 10-cent fee.

**Ms. Lisa Eldridge of 108 South Mill Drive** expressed support of the proposed ordinance, the 10-cent fee and the increase of the mil thickness.

**Mr. Steve Dickison of 168 Forest Lane** expressed support of the proposed ordinance, the 10-cent fee and the increase of the mil thickness adding that it is particularly important as a town that borders the Connecticut River.

**Mr. Rick Eldridge of 108 South Mill Drive** expressed support of the proposed ordinance, the 10-cent fee and the increase of the mil thickness.



**Ms. Kristi Vitelli of 9 Martin Terrace** expressed support of the proposed ordinance, the 10-cent fee and the increase of the mil thickness. She said she hopes people will use reusable bags instead of thicker plastic bags as they are known carcinogens as well.

**Mr. Luther Weeks of 33 Hollister Way West** expressed support of the proposed ordinance and spoke to how critical the inclusion of the 10-cent fee was to ensure success and avoid all residents paying.

**Ms. Shawnie Baldwin 57 Nuthatch Knob and the Interreligious Ecojustice Network** expressed support of the proposed ordinance noting that plastic bags disrupt the recycling process. She added that education has not been sufficient as she is aware of most young people continuing unsustainable practices.

**Ms. Gail Goddard of 176 Pennywise Drive** expressed support of the proposed ordinance showing a cloth bag that is fully washable and easy to make.

**Ms. Jen Siskind of 101 Fairview Terrace** expressed support of the proposed ordinance showing the Council the number of plastic bags collected in one afternoon. She went into the existing laws in the state and country.

**Misses Katie Matson of 61 Colton Road and Alison Desmairis of 252 Woodpond Road** expressed support of the proposed ordinance saying plastics are injuring and killing marine life.

**Miss Bridget Hernandez of 85 Aspen Drive** expressed support of the proposed ordinance to reduce pollution and green house gas problem as well as set an example for other governments.

**Ms. Diana Neff of 35 Stanley Drive** expressed support of the proposed ordinance as well as 10-cent bags noting that it is similar to the deposit on cans and bottles.

Mr. Norman thought the state passed a law so he was confused about concerns about delays at the state level. Mr. Johnson said it was part of the budget package instead of a formal act. Mr. McChesney asked about impact to town recycling. Mr. Johnson said that plastic bags jam the equipment. Mr. Osgood says that use of plastic garbage bags has the same impact. Ms. Carroll said that at first the subcommittee wasn't excited about requiring business owners to charge the 10-cent fee but they can add it. Chairman Gullotta said that they did hear from Gardiner's who asked for the 10-cent fee. Mr. Osgood questioned if it was on the public hearing notice. Mr. Johnson said that the question is would it be considered a substantial change.

*The meeting recessed at 9:06pm and reconvened at 9:12pm.*

Chairman Gullotta closed the public hearing.

**Motion By:** Ms. Carroll

**Seconded By:** Dr. Beckett

BE IT RESOLVED, that the Glastonbury Town Council hereby enacts new Town Code Chapter 13, Article V, entitled "Ordinance Regarding Retail Checkout Bags", Sections 13-60 through 13-66, Option 2 and yellow highlighted language which enacts the law January 1, 2020, and allows enforcement by penalty as of July 1, 2020, as described in a report by the Town Manager dated June 6, 2019 and as recommended by the Policy & Ordinance Review Committee.

**Amendment By:** Ms. Carroll

**Seconded By:** Mr. McChesney

BE IT RESOLVED, that the Glastonbury Town Council hereby amends the motion on the floor to change the banned bags from less than 12 mils to less than 8 mils.

**Disc:** Ms. Carroll said 12 mil bags don't exist so to ban up to 12 mil bags is essentially a total ban without saying it. She said she wasn't willing to do this at this point. Mr. Norman said they wanted to be careful about pick your own farms. Mr. Bisi said they use 6 mil bags. Chairman Gullotta indicated that this would provide time to transition to cloth bags.

**Amendment By:** Dr. Beckett

**Seconded By:** Mr. Norman

BE IT RESOLVED, that the Glastonbury Town Council hereby amends the motion on the floor to change the banned bags from less than 8 mils to less than 6 mils to allow for the pick your own farms to continue as they have.

**Disc:** Mr. Johnson spoke to the state proposal. Mr. Cavanaugh confirmed a farm stand was a retail establishment. Chairman Gullotta said he would support the amendment.

**Result:** Motion to amend carries by the following vote with Mr. Cavanaugh opposing{8-1-0}.

**Amendment By:** Vice Chairman Niland

**Seconded By:** Dr. Beckett

BE IT RESOLVED, that the Glastonbury Town Council hereby amends the motion on the floor to require a 10-cent fee be charged for bags and that fee be retained by the business.

**Disc:** Vice Chairman Niland expressed support saying that the current language doesn't prohibit it. Mr. Osgood suggested the subcommittee discuss this further and delay it for two weeks to ensure it is right. Ms. Carroll said she would have more discussion about the fee but opposed the delay. Mr. Norman opposed the amendment saying that he agrees they should allow merchants to charge a fee but shouldn't mandate it. Mr. McChesney supported the ordinance but wasn't entirely sure about the 10-cent fee.

**Result:** Motion to amend and second withdrawn.

**Amendment By:** Mr. Osgood

**Seconded By:** Dr. Beckett

BE IT RESOLVED, that the Glastonbury Town Council hereby amends the motion on the floor enacting the ordinance July 1, 2020, with enforcement 6 months after that to January 1, 2021.

**Disc:** Vice Chairman Niland said that they are already out one year which is enough.

**Result:** Motion to amend fails {3-6-0} with Dr. Beckett, Mr. Cavanaugh and Mr. Osgood in favor.

**Amendment By:** Mr. Osgood

**Seconded By:** Dr. Beckett

BE IT RESOLVED, that the Glastonbury Town Council hereby amends the motion on the floor striking the language about no old growth fiber.

**Disc:** Mr. Osgood said if they can't enforce it, it should not be part of the ordinance. Ms. Carroll said that the bags are stamped with language so it is enforceable.

**Result:** Motion to amend fails {4-5-0} with Dr. Beckett, Mr. Cavanaugh, Mr. Osgood and Mr. Norman in favor.

**Amendment By:** Mr. Cavanaugh

**Seconded By:** Dr. Beckett

BE IT RESOLVED, that the Glastonbury Town Council hereby amends the motion on the floor exempting farms from this ordinance.

**Disc:** Mr. Cavanaugh said they should do anything they can to support farmers to stay in business. Ms. Carroll said that the change to 6 mils was to ensure there was no impact to the farmers as they contend with food safety. Mr. Norman said that he would oppose thinking the 6 mils change would support the farmers but they should revisit if it doesn't. Mr. Cavanaugh asked about the farmers that came out to the subcommittee which was listed by Mr. Johnson. Chairman Gullotta said he would oppose the amendment.

**Result:** Motion to amend fails {1-8-0} with Mr. Cavanaugh in support.

**Disc:** Chairman Gullotta recapped the ordinance. Ms. LaChance and Mr. McChesney thanked the public for their participation. Mr. Johnson explained the most recent language changes to the ordinance. Mr. Cavanaugh asked about other town fines for comparison which Mr. Johnson explained. Norman said he recognizes this won't solve the magnitude of the issue but that they ought to do what they can and that protecting the environment is worthy of regulation. Dr. Beckett said it was limited in scope but will support in hopes there is more to come. Vice Chairman Niland expressed support and expressed concern that the state action will likely not be enough. Chairman Gullotta said that this is a step and hoped there would be more to come. He hoped the schools would look at their Styrofoam, straws and uneaten food. Vice Chairman Niland thanked Mr. Johnson, Chairman Gullotta, Ms. Carroll and Mr. Norman for their work.

**Result:** Motion carries with Mr. Cavanaugh opposing {8-1-0}.

**13. Adjournment**

**Motion By:** Ms. Carroll

**Seconded By:** Dr. Beckett

BE IT RESOLVED, that the Glastonbury Town Council hereby adjourns their regular meeting of June 11, 2019, at 10:06 pm.

**Result:** Motion passes unanimously {9-0-0}.

**Respectfully submitted,**

*Kimberly Meanix Miller*

**Kimberly Meanix Miller**  
**Recording Clerk**

**Thomas Gullotta**  
**Chairman**

**INTRODUCED: MAY 14, 2019**  
**PUBLIC HEARING: JUNE 11, 2019**  
**ADOPTED: JUNE 11, 2019**  
**PUBLISHED: JUNE 18, 2019**  
**EFFECTIVE DATE: JANUARY 1, 2020**

**TOWN OF GLASTONBURY**  
**ARTICLE V**  
**ORDINANCE REGARDING SINGLE-USE RETAIL CHECKOUT BAGS**

**Sec. 13-60. Purpose; Legislative authority.**

The intent of this article is to protect and improve the environment and promote sustainable practices in the Town of Glastonbury by encouraging the use of reusable checkout bags and prohibiting the use of plastic bags for retail checkout of purchased goods. Retail sales establishments are encouraged to make reusable checkout bags available to customers at the point of sale.

Plastic bags are often discarded into the environment and can pollute waterways, clog sewers, endanger marine life and cause unsightly litter. These bags last hundreds of years in landfills and are a potential source of harmful chemicals when they eventually break down.

This article is adopted in accordance with the provisions of Section 7-148 (c)(8)(A) of the Connecticut General Statutes as amended.

**Sec. 13-61. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**SINGLE-USE CHECKOUT BAG** - A plastic bag with the thickness of less than 6 mils provided by a retail sales establishment to a customer at the point of sale. Single-use checkout bag does not include: (A) a bag provided to contain meat, seafood, loose produce, or other unwrapped food items; (B) a newspaper bag; or (C) a laundry or dry cleaning bag.

**CITATION HEARING OFFICER** - An individual(s) appointed by the Town Manager to conduct official hearings authorized by this article, who may not be a Police Officer or other person/employee who issues citations on behalf of the Town.

**PLASTIC PRODUCE/PRODUCT BAG** - A flexible container made of thin plastic material with a single opening and without handles that is used to transport produce, meats or other items selected by customers to the point of sale and/or out of the retail sales establishment.

**RECYCLABLE PAPER CHECKOUT BAG** - A paper bag that:

- (1) contains no old growth fiber,

(2) is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content, and

(3) displays the words "Reusable" and "Recyclable" on the outside of the bag.

**RETAIL SALES ESTABLISHMENT** - A location where goods are transferred to customers in exchange for payment, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, grocery delivery services, liquor stores, seasonal and temporary businesses, food trucks, and household goods stores.

**REUSABLE CHECKOUT BAG** - A bag with handles that is specifically designed and manufactured for multiple reuse, can be cleaned or disinfected and is made of cloth, fabric, or durable plastic that is at least 6 mils thick.

**TOWN MANAGER** - The Town Manager of the Town of Glastonbury or a person designated by the Town Manager to act on his or her behalf.

**Sec. 13-62. Requirements and restrictions.**

A. Any person engaged in retail sales shall provide only reusable checkout bags and/or recyclable paper checkout bags as checkout bags to customers.

B. Nothing in this section shall:

(1) Preclude persons engaged in retail sales from making reusable checkout bags available for sale to customers.

(2) Prohibit customers from bringing their own bags or containers to a point of sale at a retail sales establishment for the purpose of carrying goods away.

**Sec. 13-63. Notification; issuance of citations.**

Upon notification that a violation exists, the Town Manager will investigate and verify the noncompliance. The Town Manager is authorized to enforce this article as follows:

A. Notification of violation. The Town Manager shall provide written notice to any person who violates this article. The notice of violation shall state 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 Town Manager within the time specified in the notice, the Town Manager shall issue a citation as provided for in Subsection (b) hereof. Repeat offenders shall be issued additional citations without first receiving a notice of violation. Additional citations shall be issued no more frequently than 90 days following a prior citation.

B. Citation issuance. The Town Manager shall issue a citation when a violation persists beyond the date by which the Town Manager required that the violation be remedied in accordance with this Section. The citation shall state:

(1) A description of the violation.

- (2) That after the date of the issuance of the citation, and each day thereafter, the violator is subject to a fine of \$100.00 per day, until the violator has sent notification of compliance to the Town Manager. This Section 13-63 B. (2) shall only apply to first time violations of this ordinance.
- (3) That any subsequent violation after the first violation referenced in Section 13-63 above, shall be subject to a fine of \$100.00 per day until the violator has sent notification of compliance to the Town Manager.
- (4) That the uncontested payment of such fine(s), penalties, costs and/or fees shall be made within ten days of the date of the citation.
- (5) That such person may contest the liability before a citation hearing officer by delivering in person or by mail within ten days of the date of the citation a written demand for a hearing.
- (6) That if such a hearing is not demanded, it shall be deemed an admission of liability and an assessment and judgment shall be entered against the person, and that such judgment may issue without further notice.

Any notice of violation or citation issued hereunder shall be sent to the person named in the citation by certified mail, return receipt requested and simultaneously by regular United States Postal Service mail.

Once a written demand for a hearing has been received by the Town Manager, no additional citations shall be issued for the violation, nor shall daily fines be imposed until after the conclusion of the hearing procedure as set forth in Section 13-65 hereof.

**Sec. 13-64. Amount of fine; continuing violations.**

- A. The fine for each violation shall be \$100.00, and shall be payable to the Town.
- B. Each occurrence of a violation, and each day that such violation continues, shall constitute a separate violation and shall be subject to a separate fine and may be cited as such.
- C. The person to whom a citation has been issued shall be responsible for reporting, in writing, subsequent compliance to the Town Manager. Until such time, the fine(s) shall continue to be imposed on a daily basis.

**Sec. 13-65. Hearing procedure for citations.**

- A. The Town Manager shall appoint one or more hearing officers, other than any employee of the Town, to conduct the hearings resulting from violations of this article. Any assessment by a hearing officer shall be entered as a judgment against the violator.
- B. A person who chooses to appeal a citation and requests a hearing to this effect shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of the hearing notice, provided the hearing officer shall grant upon good cause shown any reasonable request by an interested party for postponement or continuance. An original or certified copy of the citation issued by the Town Manager shall be filed and retained by the Town and shall be deemed to be a business

record and evidence of the facts contained therein. Upon request of the person appealing the citation, the presence of the Town Manager and/or employee who issued the citation shall be required at the hearing. A designated Town employee other than the hearing officer may present evidence on behalf of the Town. A person wishing to contest liability shall appear at the hearing and may present evidence. If the person who received the citation fails to appear, the hearing officer may enter an assessment by default upon a finding of proper notice and liability under the ordinance.

- C. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he/she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his/her decision at the end of the hearing. If the hearing officer determines that the person is not liable, he/she shall dismiss the matter and enter his/her determination, in writing, accordingly. If the hearing officer determines that the person who received the citation is liable for the violation, the hearing officer shall then enter and assess the fines, penalties, costs or fees against the person as provided by this article.
- D. If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty (30) days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court for the geographical area in which the Town is located, together with the applicable entry or filing fee. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, all assessments against the same person may be accrued and filed as one record of assessment. The Clerk shall enter judgment, in the amount of the hearing officer's record of assessment, as well as court costs, against such person in favor of the Town. The hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may be issued without further notice to such person.
- E. A person against whom an assessment has been entered pursuant to this article is entitled to judicial review by way of appeal in accordance with C.G.S. § 7-152c(g).

**Sec. 13-66. Effective date.**

This article shall become effective on January 1, 2020 and retail sales establishments are encouraged to comply by this date. However, the provisions regarding the issuance of citations and penalties and fines as set forth in Sections 13-63 and 13-64 shall become effective on July 1, 2020.

Nothing in this article shall prohibit the recycling of materials not mandated by the State of Connecticut by retail sales establishments. Retail sales establishments are encouraged to provide for the public education, collection, and recycling of products such as, but not limited to, plastic overwrap, dry cleaning bags, shipping envelopes and other such materials.