

RECEIVED

By Darlene Brady at 9:16 am, Jan 19, 2024



Board of Selectmen
Special Meeting

January 11, 2024
3:30 P.M.

The minutes reflect motions and a summary of the discussion. Refer to the attached link for the recording of this meeting:

<https://www.youtube.com/watch?v=nLWccYOoxg4>

Marty Lindenmayer, Glenn Sanchez and Lynn Worthington.

Also present: Austi Brown, Zanne Charity, Melissa Cherniske, Rufus deRham, Debbie Devaux, Chris Garrity, John Grant, Lynn Harrington, Leila Hawken, Connie Manes, Rick Osborne, Tammy Potter, Marge Smith, and Tim Tack

Call to order:

Marty Lindenmayer called the meeting to order at 3:30 p.m.

Pledge of Allegiance.

Public Comment on agenda items:

None.

Discussion on Swift House Needs Assessment:

Tim Tack of Silver Petrucelli & Associates:

- Completed field study of the Swift House.
- Researching accessible ramp location.
- Requested input on future uses for the building.

Zanne Charity:

- Would like to schedule an in-person meeting with Swift House Task Force and Board of Selectmen at the Swift House.
- Task Force would like to provide input on future uses.

A joint Special Bos and Swift House Task Force meeting has been scheduled for Friday, February 2, 2024 at 4:00 p.m. The meeting will start at the Swift House and then move to Town Hall.

Approval of the Resolution amending the Kent Streetscape improvements:

This item was withdrawn.

Resolution to use Town funds instead of bonds, and calling of a Town Meeting. Proposed revisions to the Protection of Farmers Ordinance (formerly Right to Farm):

Connie Manes:

- Provided the history of the ordinance.
- Discussed the proposed changes.

Lynn Worthington made a motion:

To accept the Protection of Farmers from Nuisance Claims Ordinance and move the ordinance to a Town Meeting.

Glenn Sanchez seconded the motion and the motion carried.

Proposed Cemeteries Ordinance:

Tammy Potter:

- Bill and Tammy have retired.
- Will assist until the ordinance is in effect.

Marty Lindenmayer:

- Requested a list of sexton duties from the Potters.
- Town Attorney recommended removing some of the items and including them in bylaws for the committee.

Request to move Capital money from Zero-turn \$15,000 to Kubota \$35,000:

This item was withdrawn.

Approval of Annual Town Meeting agenda:

Lynn Worthington made a motion:

To approve the agenda for the Annual Town Meeting as presented.

Glenn Sanchez seconded the motion and the motion carried.

P&R ASP Director hourly rate adjustment:

Lynn Worthington:

- Noted the incorrect hourly rate was presented to the BoS for the newly hired After School Director.
- The correct hourly rate recommended by the Park and Rec. Commission was \$21.

Lynn Worthington made a motion:

To adjust Rebecca Thompson's hourly rate from \$20 per hour to \$21 per hour retroactive to the hire date.

Marty Lindenmayer seconded the motion and the motion carried.

Public Comment:

None.

Adjournment:

Glenn Sanchez made a motion:

To adjourn the meeting at 4:28 p.m.

Lynn Worthington seconded the motion and the motion carried.

Joyce Kearns

Joyce Kearns

Administrative Assistant

These are draft minutes and the Board of Selectmen at the subsequent meeting may make corrections. Please refer to subsequent meeting minutes for possible correct



BOARD OF SELECTMEN

Special Meeting Agenda

Thursday, January 11, 2024 @ 3:30 P.M.

Hybrid Meeting

Via Zoom and Large meeting room @ Town Hall

Join Zoom Meeting: <https://us02web.zoom.us/j/89300989872>

Meeting ID: 893 0098 9872

One tap mobile: +13052241968,,89300989872# US

Supporting documentation for this meeting:

https://drive.google.com/drive/folders/1SKJUN5v9bDfNE7Eaq350kM5HT3sqZ1_8

1. **Call to order.**
2. **Pledge of Allegiance.**
3. **Public Comment on agenda items.**
4. **Discussion on Swift House Needs Assessment.**
5. **Approval of the Resolution amending the Kent Streetscape improvements resolution to use Town funds instead of bonds, and calling of a Town Meeting.**
6. **Proposed revisions to the Protection of Farmers Ordinance (formerly Right to Farm).**
7. **Proposed Cemeteries Ordinance.**
8. **Request to move Capital money from Zero-turn \$15,000 to Kubota \$35,000**
9. **Approval of Annual Town Meeting agenda.**
10. **P&R ASP Director hourly rate adjustment.**
11. **Public Comment.**
12. **Adjournment.**

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Chapter 5: Conservation Commission

Section 5.2: Protection of Farms and Farmers from Nuisance Claims

1. **Purpose and Intent.** Agriculture is a significant part of the Town of Kent's heritage, its rural character, and may constitute a vital part of the Town's future. It is therefore the declared policy of the Town of Kent and legislative determination of the Kent Board of Selectmen to conserve and protect agricultural land and to encourage agricultural operations and the sale of local farm products within the Town. It is the purpose and intent of this ordinance to promote and advance the Town's policy and reduce the loss of local agricultural resources by limiting circumstances under which any such operation may be considered a nuisance. It is hereby further legislatively determined that whatever impact may be caused to others through normal agricultural practices, such impact is offset and ameliorated by the benefits of farming to the neighborhood, community, and society in general. Methods of farming that comport with generally accepted farming practices are also deemed to comport with community standards at large.

This ordinance is enacted for the protection of farms and farmers. It is not the purpose of this ordinance to create an avenue for complaints to be made against farmers which could not be made against non-farmers. It is protective, not punitive, in its application. It does not provide a process for and may not be used as an affirmative right to bring nuisance claims or grievances including but not limited to those related to noise, odors, dust or fumes, the storage or use of buildings and equipment.

This ordinance aligns with statewide policy codified in Connecticut General Statutes Section 19a-341, as may be from time to time amended. This ordinance is not to be construed as modifying or abridging state law relative to the abatement of nuisances, nor shall it supersede applicable health, safety, fire, life safety or building codes and regulations operable statewide or within the municipality of Kent.

2. **Declaration.** No present or future Agricultural Operations conducted or maintained in a manner consistent with accepted customs and standards of the agricultural industry, on a farm which is engaged in Agriculture and Agricultural Operations as defined in this ordinance, shall become or be considered a nuisance. Agricultural Operations may occur on holidays, weekends and weekdays by night or day, provided such activities do not violate applicable health, safety, fire, life safety or building codes and regulations.

It is herein understood that such Agricultural Operations may result in, for example but without limitation:

- a) The incidental noise from livestock or farm equipment;
- b) Odors from livestock, manure, fertilizer, compost, agricultural end-products, or feed;
- c) Dust and fumes created during plowing or cultivation operations
- d) The use of agricultural chemicals, pesticides and fertilizers including manure, provided such chemicals and the method of their application conform to practices approved by the Commissioner of the Department of Energy and Environmental Protection, or, where applicable, Commissioner of Health Services; and
- e) Irrigation and water management associated with normally accepted farming practices.

3. **Definitions.** "Agriculture" means cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur bearing animals and

11.28.23 Clean Copy incorporating Town Attorney and P&Z changes

wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale.

“Agricultural Operations” means activities relating to agricultural use including, but not limited to, the cultivation and tillage of soil, the burning, processing, or composting of agricultural waste products or other agricultural burning, processing or composting, provided that such composting activity shall not be the sole or primary agricultural operation, protection of crops and livestock from insects, diseases, birds, predators or other pests from damaging or potentially damaging crops, the proper and lawful use of agricultural chemicals including but not limited to the application of pesticides and fertilizers, or the raising, production, irrigation, pruning, harvesting, or processing of an agricultural commodity, including any type of crop or livestock, and any forestry improvements and timber harvesting and processing. Such operations also include the operation and transportation of farm equipment over roads within the Town and conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided the activities are related to marketing the agricultural output or services of the farm and local produce and livestock products and provided same do not conflict with any provisions of the zoning regulations. For purposes of this ordinance, such operations do not include the slaughtering of animals not raised on the premises where they are to be slaughtered.

“Farm” means land used primarily for agricultural activities including: agriculture, nurseries, orchards, ranges, forestry, nursery or truck gardening, or for raising or keeping of livestock and fowl but excluding the raising of animals for laboratory use or for their fur, farm buildings and accessory buildings thereto including barns, silos, greenhouses, hoop houses and other temporary structures or other structures, and as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities.

“Locally” for the purposes of this ordinance shall mean all Connecticut counties as well as Dutchess, Columbia and Putnam Counties in New York; and Berkshire County in Massachusetts.

History: Adopted originally as Right to Farm Ordinance on May 1, 2015, effective June 3, 2015. Revised [date].

LEGAL NOTICE
TOWN OF KENT
ANNUAL TOWN MEETING
JANUARY 18, 2024
7:00 P.M.

The electors of the Town of Kent and those qualified to vote in Town Meetings are hereby WARNED and NOTIFIED that the Annual Town Meeting will be at Kent Town Hall, 41 Kent Green Blvd., Kent, CT on January 18, 2024 at 7:00 p.m. to consider and act upon the following agenda:

1. To authorize the Board of Selectmen and the Town Treasurer to borrow from time to time and upon the credit of the Town funds for the needs of the Town and to make and deliver the negotiable note(s) of the Town therefore.

2. To appoint the following to the Kent Park and Recreation Commission:

Naomi Joseph, member, 3-year term ending 1/21/2027

Rufus P. deRham member, 3-year unexpired term ending 1/16/2025

Karen Iannucci, member, 3-year term ending 1/27/2027

3. Shall the Town repeal the current Right to Farm Ordinance Chapter 5, Section 5.2 and adopt the Protection of Farmers from Nuisance Claims Ordinance Chapter 5, Section 5.2. as proposed and on file with in Town Clerk's office?

4. Presentation of the Five-Year Capital Plan.

Any disabled person requiring special assistance should contact Marty Lindenmayer, First Selectman, for A.D.A. coordination at 860-927-4627 or firstselectman@townofkentct.org at least five days prior to the meeting.

Dated this 11th day of January 2023.

Marty Lindenmayer
First Selectman

Glenn Sanchez
Selectman

Lynn Worthington
Selectman