



RECEIVED

By Darlene Brady at 11:20 am, Jun 15, 2023

TOWN OF KENT
Conservation Commission
Regular Meeting Minutes
Wednesday, June 14, 2023 @ 7:00pm

In attendance:

Liddy Baker

Mike Benjamin

Carol Franken

Connie Manes

Wendy Murphy

Jos Spelbos

First Selectman Jean Speck

Members of the Public Attending: None

Call to order

1. A quorum being present, Commission Chair Connie Manes called the meeting to order at 7:02 pm.
2. Accept Agenda. *Upon a motion by Wendy Murphy seconded by Mike Benjamin, the Commissioners voted unanimously to accept the agenda.*
3. Accept/Amend Minutes Special Meeting May 17, 2023. *Upon the motion of Liddy Baker seconded by Wendy Murphy the Commissioners voted unanimously to accept the minutes with no changes.*
4. Accept/Amend Minutes Special Meeting May 31, 2023. *Upon the motion of Liddy Baker seconded by Wendy Murphy the Commissioners voted unanimously to accept the minutes with no changes.*
5. Treasurer's Report. Treasurer Liddy Baker forwarded her report via email prior to the meeting. Carol Franken showed the Commissioners a copy of the third solar-themed children's book the Commission purchased for the Kent Memorial Library. The Commissioners discussed the availability of the Kuga Fund to purchase trees for Kent's Village streets. Jos will connect with Bruce Bennett later in the summer season to see if there are locations where trees could be planted this fall.
6. Public Comment. No members of the public were present at the meeting.
7. Old Business.
Discussion items
 - A. Protection of Farms and Farmers from Nuisance Claims. The Commission's proposed revisions to the Right to Farm Ordinance are under review by the Town Attorney. Following this review the Commission will discuss any changes advised by counsel before forwarding the revision to the Planning & Zoning Commission and the Board of Selectmen. The revision will ultimately need to be voted on within a public meeting. For convenience, we are hopeful of scheduling this to coincide with a meeting for other proposed ordinances.

These are draft minutes. Corrections may be made by the Committee at a subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

- B. Materials Management in Kent – SAYT / organics recycling. HRRA’s Jennifer Heaton-Jones presented a second public program on Tuesday June 13th. The program was recorded and will be posted on the town’s website. It is unclear when the pilot program will begin – DEEP is moving the contracts through at the state level. The Transfer Station is prepared to implement as soon as contracts are signed. If it becomes clear that the town will not be ready to implement the program on July 1st, the town will carry forward current Transfer Station permits until the contracts are signed.

The pilot will not be optional. All Transfer Station users will be required to participate; permits are discounted from the current rate. There will also be a permit available for residents who only wish to bring in their organic waste.

Updates

- C. POCD – Planning & Zoning Regulations Updates; Chapter reviews. The Planning & Zoning Commission will meet on June 15th to continue its discussions on regulations revisions including those proposed for the Conservation Subdivision regulations. Jos briefed the Commission on the latest revisions proposed. The P&Z adopted a moratorium on new subdivision applications while the regulations are being revised.
- D. Kent Municipal Open Space Acquisition. No update.
- E. Green Energy Task Force. Wendy reported that the Task Force is now working with the COGs and had a successful meeting on June 2nd.
- F. Housatonic Herbicide Working Group. No update. The Commissioners noted that Kent’s roadsides appear to have been sprayed with an herbicide, perhaps targeting Japanese Knotweed. No one was clear about who was doing the spraying. Mike Benjamin thought he might know something about this through his work on the Housatonic River Commission and will check into it. Jean will check with Rick Osbourne. Both will report back to the Commission.
- G. Sustainable CT. Jean reported on her efforts to bring new members to the Sustainability Team. The Commission discussed whether, for expediency, the Town could hire a consultant to pull the information together, expressing its willingness to financially support this through its budget.
- H. Legislative Watch List. The Commission discussed the results from the recently concluded Legislative Session, reprinted below. Connie will ask Maria Horn to attend the Commission’s July meeting to provide her thoughts on the Session and ways in which the Commission can be supportive in future years.

Summary article [What passed CT's legislature this session? Here are the bills to know \(ctinsider.com\)](http://ctinsider.com)

SB 73 Requiring Local Representation on Siting Council **PASSED**

SB 896 DEEP and Tree Removal in State Parks **PASSED**

SB 962 The Use of Certain Rodenticides **Died in Senat PASSED**

SB 963 Neonicotinoids for Non-Agricultural Use **Died in Senate**

SB 1147 An Act Concerning The Environmental Justice Program Of The Department Of Energy And Environmental Protection. **PASSED**

HB 5278 - Increasing List of Invasive Plants Prohibited from Sale in CT **Died in EnviComm**

HB 5400 The Preservation of Stone Walls in the State **Died in Senate**

HB 5608 Photovoltaic Facilities on Prime Farmland, Farmland of State-wide Importance or Core Forests **PASSED**

HB 6397 Zero Carbon Emissions **Died in Senate**

HB 6481 Prohibiting Release of Certain Balloons **Died in Senate**

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41 Kent Green Boulevard, P.O. Box 678 Kent, CT 06757-0678

Phone: (860) 927-4627 □ Fax: (860) 927-1313 www.townofkentct.org

HB 6482 Raising the Bonding Limit to 25K for Greenways Bikeways/Rec Trails **Died in Committee (wrapped in elsewhere?)**

HB 6483 Enabling Bonding for State Open Space (OSWA) - 10M **Died in Committee**

HB 6484 An Act Concerning Certain Harvesting of Horseshoe Crabs **PASSED**

HB 6485 Authorizing Green Burial Companies to Receive Open Space Funds **Died in House**

HB 6486 EPR for Tires **PASSED**

HB 6606 The Use of Certain Products Made From Polystyrene **Died in Committee**

HB 6607 Nighttime Lighting of State-Owned Buildings at Certain Times for the Protection of Birds **PASSED**

HB 6608 The Distribution of Single Use Plastic Straws by Certain Restaurants **Died in House**

HB 6610 "No Net Loss" of State Forest Lands **(never moved)**

HB 6942 Bonding Measure **PASSED \$3M for Rec & Natural Heritage program**

\$500M from CT Green Bank authorized for waste disposal facility construction

8. New Business. None.
9. Correspondence. Wendy will email correspondence from Blake Levitt about the Cricket Valley Energy Plant air quality monitoring, for Commissioners to read.
10. Adjourn. *There being no further business before the Commission and upon the motion of Liddy seconded by Wendy the meeting adjourned at 8:15 pm.*

NEXT REGULAR MEETING: Wednesday July 12 @ 7:00pm

Respectfully submitted by: Connie Manes, Chair

These are draft minutes. Corrections may be made by the Committee at a subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

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Chapter 6: Conservation Commission

Section 5.2: ~~Right To Farm~~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

~~2. 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 not to be construed as modifying or abridging state law relative to the abatement of nuisances, but is to be used in the interpretation and characterization of activities and in considering and implementing enforcement of the provisions of the Ordinances of the Town of~~

~~Kent and other applicable Town regulations, consistent with the provisions of Connecticut General Statutes § 19a-341. Additionally, the terms of this ordinance may be used in determining whether the methods and practices that may come under review conform to community standards.~~

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 made against farmers that 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.

3. Declaration. No present or future ~~a~~Agricultural ~~o~~Operations conducted or maintained ~~in a manner consistent with accepted customs and standards of the agricultural industry,~~ on a recognized farm which is engaged in the act of farming as defined in this ordinance, shall become or be considered a nuisance solely because such activity resulted or results in any changed condition of the use of adjacent land. Agricultural ~~o~~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.~~

In the event a properly-raised nuisance complaint pursuant to a valid and adopted Kent ordinance is submitted by a resident of the Town of Kent, the Conservation Commission shall determine whether the activities claimed to be a nuisance are Agricultural Operations as defined below. Should the activities be determined to be agricultural activities, the nuisance claim shall be dismissed.

It is herein understood that such Agricultural Operations~~practices~~ may result in, for example but include 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.

~~These provisions shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation.~~

4.1. 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 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.

~~5. Dispute Resolution and Advisory Opinions. An interested person may submit a written request to the First Selectman's office for an opinion as to whether a particular agricultural operation constitutes a nuisance or is an activity that is incidental to normal and customary farming activity and comports with community standards. In the event a dispute arises between an agricultural operator and a resident in the Town of Kent as to whether a particular agricultural operation constitutes a nuisance, either interested party may submit a written request to the Selectmen for an advisory opinion or to mediate the dispute. The Selectmen may promulgate such regulations and procedures as it deems necessary for the implementation of this section.~~

~~Nothing herein shall preclude any party from either appealing said advisory determination to the Superior Court for the Judicial District of Litchfield and/or commencing a direct action in said court to abate the claimed nuisance.~~

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



KENT CONSERVATION COMMISSION

Kent Town Hall, 41 Kent Green Boulevard, Kent, Connecticut 06757

April 26, 2023

Kent Board of Selectmen, via email

firstselectman@townofkentct.org

rderham@townofkentct.org

Glennsanchez@townofkentct.org

Kent's Right to Farm Ordinance – Please read this letter into the record

Dear Selectmen Speck, deRham, and Sanchez,

In 2015, the Town of Kent upon recommendations within its Plan of Conservation and Development, with the endorsement of the Planning and Zoning and Conservation Commissions and of the Board of Selectmen, and after review by Kent's Town Attorney, adopted a Right to Farm Ordinance with the purpose and intent to promote and advance the Town's stated policy "to conserve and protect agricultural land and to encourage agricultural operations and the sale of farm products within the Town", and "reduce the loss of agricultural resources by limiting circumstances under which any such operation may be considered a nuisance."

How ironic that the two times since 2015 that the Ordinance has been raised publicly (both within the past year), have been attempts by non-farmers to hoodwink town leadership into taking action *against* farmers - action which couldn't even be taken in a dispute between non-farming residents.

Simply stated, Kent's Right to Farm ordinance offers protection to farmers for things that might otherwise constitute an *appropriately-raised* nuisance claim. Kent – having no noise or blight ordinance – doesn't offer *any* resident the opportunity to have our Board of Selectmen play King Solomon when they disagree with their neighbor on noise or how they keep their yards.

In the event Kent did allow this kind of complaint, Right to Farm precludes such an opportunity when the person making noise, odor, or with farm equipment or buildings on their property is a farmer.

You can easily see how, paradoxically, the Board of Selectmen's intervention, indeed their very entertainment of the last two complaints does farmers double jeopardy – by erroneously considering them subject to a nonexistent nuisance ordinance and then forcing them to participate in a vague sort of mediation-like balancing of interests prohibited by the Right to Farm Ordinance because of the farmer's farm and farming.

Last Wednesday, April 19th First Selectman Jean Speck asked the Kent Conservation Commission during its Regular Meeting to revise the Right to Farm Ordinance to clarify how it is meant to operate and when the Board of Selectmen should properly accept a complaint. We plan to discuss this revision in our May meeting. If we reach a consensus that revisions should be made we will forward to Planning and Zoning and to the Board of Selectman our recommended changes and rationale therefore. We respectfully request that the Board of Selectmen stay further action on the matter until that time.

Sincerely,

Connie A. Manes, Chair, Kent Conservation Commission

RECEIVED

By Darlene Brady at 10:27 am, Jun 01, 2023



Board of Selectmen
Regular Meeting

May 24, 2023
4:00 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=7im4oA0R6JM>

Jean Speck, Rufus deRham (joined the meeting at 4:20 P.M.), and Glenn Sanchez.

Also present: Darlene Brady, Zanne Charity, Melissa Cherniske, Jen Dubray, John Grant, Lynn Harrington, Leila Hawken, Donna Hayes, Barbara Herbst, Jared Kuczenski, Tai Kern, Marty Lindenmayer, Connie Manes, Patricia Oris, Rick Osborne, Justin Potter, John Russell, and Kelley Zylstra.

Call to order:

Jean Speck called the meeting to order at 4:00P.M.

Additions to the Agenda:

Jean Speck:

Made a to add Northwest Hills Regional Opioid Response Fund MOU, as item 7.5.

Glenn Sanchez seconded the motion.

Jean Speck and Glenn voted yes.

The motion carried.

Jean Speck:

Made a motion to add Park and Rec updates to the top of new business.

Glenn Sanchez seconded the motion.

Jean Speck and Glenn Sanchez voted yes.

The motion carried.

Glenn Sanchez:

Made a motion to add Swift House updates under old business as item 8.11.

Jean Speck seconded the motion.

Jean Speck and Glenn Sanchez voted yes.

The motion carried.

Approval of minutes:

Jean Speck:

Made a motion to approve the following BoS meeting minutes:

- February 22, 2023, Special BoS meeting.
- February 22, 2023, Regular BoS meeting.
- March 7, 2023, Special BoS meeting.

- March 22, 2023, Regular BoS meeting.
- April 13, 2023, Special BoS meeting.
- April 26, 2023 Regular BoS meeting.

Glenn Sanchez seconded the motion.

Jean Speck:

- February 22, 2023 Regular meeting minutes, page 4, Glenn's motion should have read "Tax Abatement list" not SOP.
- February 22, 2023 Special meeting minutes, page 3, omit the following line because, "In minutes we shouldn't record what someone said, we should record what someone did."

Treasurer – 20 hours per week - @ 445.34 per hour

Glenn Sanchez submitted a list of minor corrections, attached.

Jean Speck rescinded the motion.

Glenn Sanchez rescinded the second.

Jean Speck:

Made a motion to approve the minutes that are stated on the May 26, 2023 BoS meeting agenda, with corrections as noted during this meeting, and submitted in the public folder.

Glenn Sanchez seconded the motion.

Jean Speck and Glenn Sanchez voted yes.

The motion carried.

Correspondence:

- May 17, 2023 Email from Kelley Zylstra, "Intentional Bear/wildlife feeding."

Jean Speck:

- Will get copies of Simsbury, Granby, and Salisbury's ordinance and put in shared folder for next meeting.
- Put an ask out to the COG towns.
- Schedule a public informational meeting with the DEEP bear biologists.
- Keep on agenda.
- Reach out to Kelley Zylstra and provide her an update.

Rufus deRham joined the meeting at 4:20 P.M.

Public Comment:

None.

Tax Refunds:

Jean Speck:

Made a motion to accept the submitted tax refunds, totaling \$317.79.

Glenn Sanchez seconded the motion and the motion carried.

Treasurer Report:

Barbara Herbst:

- Treasurer's Report, attached.
- Building Inspector report, attached.
- Conducted a pension contribution audit on any employee that received any health insurance opt out, PTO lump sum payment or severance payment.
- Audit determine four employees were short in the amount of \$8,387. The adjustments were made.

Kent Affordable Housing update:

Justin Potter:

- Engineer looked at existing infrastructure.
- There is potential of additional housing in the area that is bounded by South Commons in the area of the tennis court parking lot, the transfer station and the highway garage.
- A request will be submitted to the Board of Selectmen to potentially acquire the less than 2 acres of land.

Keep on next month's agenda.

Park and Rec Updates:

Jared Kuczenski:

- Apologized for making statements that upset a resident.
- Provided an update:
 - Purchase of truck.
 - Senior Center lunches.
 - Budget request for a full-time position.
 - Park and Rec expenditures.
 - Master Plan.
 - Memorial Day Parade.

Appointments:

Jean Speck:

Made a motion to appoint Anthony Palumbo as a Planning and Zoning Alternate with a term to expire on 11/30/2023.

Rufus deRham seconded the motion and the motion carried.

Re-appointments:

Rufus deRham:

Made a motion to reappoint the following:

Jean Speck as HRRA Rep for a 3-year term to expire on 6/30/26

Delores Schiesel as HRRA Alt. for a 3-year term to expire on 6/30/26

Doug Branson as Charter Comm. Adv. Comm for a 2-year term to expire on 6/30/25

Glenn Sanchez seconded the motion and the motion carried.

Memorial Day Parade update:

Discussed under Park and Rec updates.

National "Wear Orange" Day resolution:

BoS agreed to warn a special meeting on June 1, 2023 @ 10:00 A.M. to discuss.

Northwest Hills Regional Opioid Response Fund MOU:

Jean Speck:

Made a motion to collaborate with COG on the Regional Opioid Response Fund and sign the MOU.

Glenn Sanchez seconded the motion and the motion carried.

Conservation Commission updates:

Presentation on Land Acquisition Funds:

Connie Manes:

- No update this month.
- Report next month.

Right to Farm Ordinance – Conservation Commission update:

Connie Manes:

- Jean asked the Conservation Commission to review the ordinance because it was being used punitively against farmers as opposed to protectively.
- It is an ordinance written to protect farmers against nuisance claims.
- Conservation Commission will hold a Special Meeting next week to discuss revisions, which should go to the town attorney, the P&Z and finally to BoS.
- Discussed at last Conservation Commission meeting, including Jean, the BoS should dismiss the current complaint since the town does not have a noise or blight ordinance.
- Keep on the agenda for submission of revisions.

Jean Speck:

Made a motion to accept the recommendation of the Conservation Commission to dismiss the current Right to Farm complaint, due to the lack of a noise or blight ordinance.

Rufus deRham seconded the motion and the motion carried.

Green Energy Update:

Nothing to report.

Draft Hiring Policy:

Glenn Sanchez:

- Drafted a Hiring Policy, attached.

Donna Hayes:

- Drafted some changes to the Chapter 3 in the Policy and Procedure Manual, will forward copies to the BoS.
- Still has not received an answer as to why the hiring of her for her current position had to go through as many reiterations and hoops and none of the other positions had too.

Jean Speak:

- Discussion was getting into more detail.
- Add to next meeting agenda or one of the special meeting agenda.

Draft update to Town Hall Closure Policy:

Rufus deRham made a motion to accept the updated Town Hall closure policy.
Jean Speck seconded the motion and the motion carried.

**Draft updated ToK Ordinance 18-7 Tax Abatement ordinance for Volunteer
Emergency Services Personnel:**

The BoS agreed to warn a special meeting on June 7, 2023 @ 7:00 P.M. to discuss.

Draft updated job descriptions:

Jean Speck:

- Did not get job descriptions in the shared folder.
 - Assessor's Assistant
 - First Selectman

Approval of Streetscape Phase I change orders:

Jean Speck:

- Need to loop back around with Mike Doherty.

Kent Town Center reimbursement:

Jean Speck:

- Not able to connect with the board chair

Building Inspector contract:

Jean Speck:

- Meet with Joe Manley next Friday.

**DEEP Sustainable Materials Management grant and Food Scrap Pilot program—
update:**

Jean Speck:

- Moving forward.
- Had first "Trash Talk" meeting two weeks ago.
- Second "Trash Talk" meeting in two weeks.

EXECUTIVE SESSION: Cybersecurity update:

Jean Speck:

- Reschedule for later in June.

Swift House Update:

Jean Speck:

- Will circulate the information received from the references.
- Have to wait for the new fiscal year before a meeting can be set with the architect.

Selectmen reports:

Jean Speck:

- Pride month is coming up.
- Met with the Potter's regarding the future of the Cemetery Association.
- Received updated replacement costs for the Veteran's Memorial and the Civil War Memorial, CIRMA will update the insurance policy.

Glenn Sanchez:

- Nothing additional to report.

Rufus deRham:

- Nothing additional to report.

Public Comment:

Lynn Harrington:

- I will have comment at the next meeting to correct some of the misinformation put forth by the Park and Rec Director earlier.

Adjournment:

Jean Speck:

Made a motion to adjourn the meeting at 5:58 P.M.

Glenn Sanchez 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 corrections and approval.

RECEIVED

By Darlene Brady at 1:16 pm, May 22, 2023



BOARD OF SELECTMEN
Regular Meeting Agenda
May 24, 2023 @ 4:00 P.M.

Join Zoom Meeting: <https://us02web.zoom.us/j/84192605752>
Meeting ID: 841 9260 5752
One tap mobile: +13092053325,,84192605752# US

Supporting documentation for this meeting:
<https://drive.google.com/drive/folders/1-JqsM5a7eO2bzuWGU9-Z4AW5oJUH1yww>

1. **Call to order.**
 2. **Approval of minutes:**
 - 2.1. February 22, 2023, Special BoS meeting.
 - 2.2. February 22, 2023, Regular BoS meeting.
 - 2.3. March 7, 2023, Special BoS meeting.
 - 2.4. March 9, 2023, Special BoS meeting.
 - 2.5. March 22, 2023, Regular BoS meeting.
 - 2.6. April 13, 2023, Special BoS meeting.
 - 2.7. April 26, 2023 Regular BoS meeting.
 3. **Correspondence:**
 - 3.1. May 17, 2023 Email from Kelley Zylstra, "Intentional Bear/wildlife feeding."
 4. **Public Comment.**
 5. **Tax Refunds.**
 6. **Treasurer Report.**
 7. **New Business:**
 - 7.1. Kent Affordable Housing update
 - 7.2. Appointments:
 - 7.2.1. Planning & Zoning recommendation for filling of alternate vacancy by Anthony Palumbo
 - 7.2.2. Re-appointments:
- | ORGANIZATION | TERM | TERM EXPIRES | APPOINTMENT |
|---|--------|--------------|------------------|
| Housatonic Res Rec Authority (HRRA) Rep. | 3 yrs. | 6/30/2026 | Jean Speck |
| Housatonic Res Rec Authority (HRRA) Alt. | 3 yrs. | 6/30/2026 | Delores Schiesel |
| Charter Communications Advisory Council Rep | 2 yrs. | 6/30/2025 | Doug Branson |
- 7.3. Memorial Day Parade update
 - 7.4. National "Wear Orange" Day resolution
8. **Old Business:**
 - 8.1. Conservation Commission updates:
 - 8.1.1. Presentation on Land Acquisition Funds.

8.1.2. Right to Farm Ordinance – Conservation Commission update.

8.1.3. Green Energy Update.

8.2. Draft *Hiring Policy*.

8.3. Draft update to *Town Hall Closure Policy*.

8.4. Draft updated ToK Ordinance *18-7 Tax Abatement ordinance for Volunteer Emergency Services Personnel*.

8.5. Draft updated job descriptions:

8.5.1. Assessor's Assistant

8.5.2. First Selectman

8.6. Approval of Streetscape Phase I change orders.

8.7. Kent Town Center reimbursement.

8.8. Building Inspector contract.

8.9. DEEP Sustainable Materials Management grant and Food Scrap Pilot program– update.

8.10. EXECUTIVE SESSION: Cybersecurity update

9. **Selectmen reports.**

10. **Public Comment.**

11. **Adjournment.**

Minute Corrections
Board of Selectmen
Town of Kent
Glenn Sanchez
5/20/23

I have only a few minor corrections on four of the minutes.

1.1. February 22, 2023, Special BoS meeting.

Treasurer – 20 hours per week @ 445.34 per hour (Dollar sign missing? Is this number accurate?)

1.2. February 22, 2023, Regular BoS meeting.

1.3. March 7, 2023, Special BoS meeting.

1.4. March 9, 2023, Special BoS meeting.

1.5. March 22, 2023, Regular BoS meeting.

It is u to the two (2) neighbors to try to work it out. (“up”)

1.6. April 13, 2023, Special BoS meeting.

\$5,000 out of lime 355, Ball Fields (“line”)

1.7. April 26, 2023, Regular BoS meeting

Amend the agenda: Glen Sanchez seconded the motion, and the motion carried.
 (“Glenn”)



Joyce Kearns <adminassist@townofkentct.org>

[Kent CT] Intentional Bear/wildlife feeding (Sent by Kelley Zylstra , kezylstra@gmail.com)

1 message

Contact form at Kent CT <cmsmailer@civicplus.com>

Wed, May 17, 2023 at 2:59 PM

Reply-To: kezylstra@gmail.com

To: Selectmen <adminassist@townofkentct.org>

Hello Selectmen,

Kelley Zylstra (kezylstra@gmail.com) has sent you a message via your contact form (<https://www.townofkentct.org/user/21/contact>) at Kent CT.

If you don't want to receive such e-mails, you can change your settings at <https://www.townofkentct.org/user/21/edit>.

Message:

Greetings,

I'm looking for advice on how to officially advocate/propose a town municipal ordinance regarding intentionally/recklessly feeding bears.

My neighbor leaves plastic food trays of human food out for wildlife daily. Our property line is littered with the plastic trays that the animals drag into the wood line and eat from.

This weekend I was working in my garden and a bear came through and sat on the stone wall border of our properties and I watched her bring a plastic tray of food out to it while the bear sat there. After she walked away, the bear went up and ate from the tray. It was clear from the way she approached/left the area that she knew the bear was there. I happened to have my camera with me as I was photographing flowers. She knew the bear was there and brought it lunch deliberately and recklessly.

I have two small children and it is hard enough to teach them to be bear aware with our dense populations, but it is really scary knowing I have bears being purposefully habituated and creating dangerous living environment right next door. That bear knew I was there, and knew she was there approaching it, and it never ran off or moved away. It sat there as she brought the food to it.

Currently, there is no recourse for someone feeding bears/wildlife. The town of Kent does not have an ordinance. The state of Connecticut does not have a statute for private land, only state land.

When she moved in two years ago, and I noticed she was keeping bird feeders and suet stocked all summer, I casually mentioned and shared with her the CT Living With Bears pamphlets and information. It's not a matter of her being naïve to what she is doing.

I would love if you could point me in the right direction of how to go about formally advocating or proposing a town ordinance, similar to Granby, Simsbury, and Salisbury, where there is at least a monetary fine to discourage to reckless, purposeful feeding of bears.

Thank you for your help,
Kelley

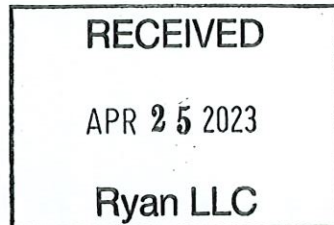
REQUEST FOR ABATEMENT OR REFUND OF PROPERTY TAXES

Sec. 12-81(20), Sec. 12-124, 12-125, 12-126, 12-127, 12-127a, 12-128, 12-129 Rev. as Amended
This is to certify that TOYOTA LEASE TRUST

has presented satisfactory proof that he/she is entitled to an exemption on the assessment list of 10/01/2021

- ☐ Sec. 12-81 (20) Servicemen Having Disability Rating.
- ☐ Sec. 12-124 Abatement to poor.
- ☐ Sec. 12-125 Abatement of Taxes of Corporations.
- ☐ Sec. 12-126 Tangible Personal Property Assessed in more than one Municipality.
- ☐ Sec. 12-127 Abatement or Refund to Blind Persons.
- ☐ Sec. 12-127A Abatement of Taxes on Structures of Historical or Architectural Merit.
- ☐ Sec. 12-128 Refund of Taxes Erroneously Collected from Veterans and Relatives.
- ☒ Sec. 12-129 Refund of Excess Payments.

TOYOTA LEASE TRUST
PO BOX 23590
NASHVILLE, TN 37202-9936



2021-03-0052745
52745
/510MJR/JTMRFREVA4JD254349

2021030052745

To **DEBORAH DEVAUX**

Collector of **KENT** State of Connecticut.

I hereby apply for refund* of such part of my tax as shall represent:

The service exemption or Sec. 12-129 Refund of Excess Payments.
(State reason -- Cross out service exemption if it does not apply)

		Tax	Interest	Lien	Fee	Total	Overpaid Tax
Total Due	07/01/2022	59.63	0.00	0.00	0.00	59.63	
Total Paid	07/19/2022	357.10	0.00	0.00	0.00	357.10	-297.47 ***
Adjusted Refund		-297.47	0.00	0.00	0.00	297.47	

PLEASE READ, SIGN, AND DATE BELOW:

I am entitled to this refund because I made the payments from funds under my control, and no other party will be requesting this refund. I understand that false or deliberately misleading statements subject me to penalties for perjury and/or for obtaining money under false pretenses.

Phyllis McCauley

Print Name

Phyllis McCauley 4-25-23
Signature of Taxpayer Date

COLLECTOR'S RECOMMENDATION TO THE GOVERNING BODY

To the First Selectman, or

It is recommended that refund* of property taxes and interest in the amount of 297.47
be made to the above-named taxpayer in accordance with the provisions of Section (s):

Sec. 12-129 Refund of Excess Payments.

DATED AT KENT, CONNECTICUT THIS 19 DAY OF April 2023

Deborah Devaux
DEBORAH DEVAUX

ACTION TAKEN BY GOVERNING BODY

The First Selectman, as authorized by the Board of Selectman, or
approved on the _____ day of _____ 2023. It was voted to refund
Property Taxes and Interest amounting to \$ _____ to _____

First Selectman

Other Governing Body

Clerk

Mail To : DEBORAH DEVAUX
KENT
PO BOX 311
KENT, CT 06757



2021030052745

GENERAL DATA MOTOR VEHICLE KENT

AS OF 04/19/2023

BILL NO: 2021-03-0052745
UNIQUE ID: 52745
LINK #: 2021-MV-0001767
FILE#: M004
BANK: 139809-5211602-Y
ESCROW: 139809-5211602-Y
DISTRICT: 19/230
PROP ASSESSED: 19/230
EXEMPTIONS: 19/230
COC CHANGE: -16,019
COC #: 06150M
EXEMPT Change: 3,211
NET VALUE: 139809-5211602-Y
DMV CIVLS: 139809-5211602-Y
MILL RATE: 18.5700

NAME: TOYOTA LEASE TRUST
C/O: PO BOX 23590
ADDRESS: NASHVILLE TN 37202-9936
CITY ST ZIP: NASHVILLE TN 37202-9936
COUNTRY: NASHVILLE TN 37202-9936

YR/MAKE/MDL: 2018 / TOYOT / RAV4 ADV
REG/CL/ID: 510MJR/1 / JTMRFREV4JD254349
ASSMNT CHANGE: -16,019
TOWN BENEFIT: 0.00
REG# EXPR: 0.00

TOTALS
357.10
0.00
0.00
0.00
-297.47
59.63
59.63

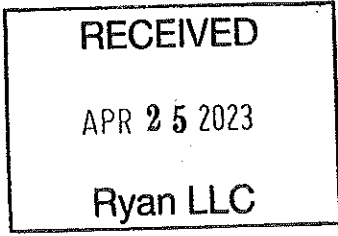
*** BILLED ***
INST1 TOWN 357.10
INST2 0.00
INST3 0.00
INST4 0.00
ADJS -297.47
TOT TAX 59.63
TOTAL PAID: 59.63

*** PAYMENTS ***

TYPE	CYCLE	DATE	ADJ	TERM/BATCH/SEQ	INST	AMOUNT	INTEREST	LIENS	FEES	TOTALS
Ref	10	04/19/2023		80/3094/1	T	-297.47	0.00	0.00	0.00	-297.47
Adj	10	04/19/2023	06150M	80/3093/1	T	-297.47	0.00	0.00	0.00	0.00
Ent	1	07/19/2022		89/2023/23	T	357.10	0.00	0.00	0.00	357.10
TOTAL PAYMENTS						59.63	0.00	0.00	0.00	59.63

TOTAL BALANCE DUE AS OF 04/19/2023

INT DUE 0.00
LIEN DUE 0.00
FEES DUE 0.00
TAX DUE NOW 0.00
TOT DUE NOW 0.00
BALANCE AMT 0.00
*** FLAGS ***
Circuit Breaker Amt 0
Invalid Address Flag No
Last Adjustment Reason LEASE VEH SOLD TO LEASEE



REQUEST FOR ABATEMENT OR REFUND OF PROPERTY TAXES

Sec. 12-81(20), Sec. 12-124, 12-125, 12-126, 12-127, 12-127a, 12-128, 12-129 Rev. as Amended
This is to certify that ANDERSON JAMES J &

has presented satisfactory proof that he/she is entitled to an exemption on the assessment list of 10/01/2021

- ☐ Sec. 12-81 (20) Servicemen Having Disability Rating.
- ☐ Sec. 12-124 Abatement to poor.
- ☐ Sec. 12-125 Abatement of Taxes of Corporations.
- ☐ Sec. 12-126 Tangible Personal Property Assessed in more than one Municipality.
- ☐ Sec. 12-127 Abatement or Refund to Blind Persons.
- ☐ Sec. 12-127A Abatement of Taxes on Structures of Historical or Architectural Merit.
- ☐ Sec. 12-128 Refund of Taxes Erroneously Collected from Veterans and Relatives.
- ☒ Sec. 12-129 Refund of Excess Payments.

ANDERSON JAMES J &
KEOGH-ANDERSON DEIRDRE
5 COBBLE RD
KENT, CT 06757

2021-01-0000069

00038400

5 COBBLE RD



2021010000069

To **DEBORAH DEVAUX**

Collector of **KENT** State of Connecticut.

I hereby apply for refund* of such part of my tax as shall represent:

The service exemption or Sec. 12-129 Refund of Excess Payments.
(State reason -- Cross out service exemption if it does not apply)

		Tax	Interest	Lien	Fee	Total	Overpaid Tax
Total Due	07/01/2022	12,610.90	0.00	0.00	0.00	12,610.90	
Total Paid	12/30/2022	12,624.48	0.00	0.00	0.00	12,624.48	-13.58 ***
Adjusted Refund		-13.58	0.00	0.00	0.00	13.58	

PLEASE READ, SIGN, AND DATE BELOW:

I am entitled to this refund because I made the payments from funds under my control, and no other party will be requesting this refund. I understand that false or deliberately misleading statements subject me to penalties for perjury and/or for obtaining money under false pretenses.

JAMES ANDERSON
Print Name

James J. Anderson
Signature of Taxpayer

5/20/23
Date

COLLECTOR'S RECOMMENDATION TO THE GOVERNING BODY

To the First Selectman, or

It is recommended that refund* of property taxes and interest in the amount of 13.58
be made to the above-named taxpayer in accordance with the provisions of Section (s):

Sec. 12-129 Refund of Excess Payments.

DATED AT KENT, CONNECTICUT THIS 16 DAY OF May 2023

Deborah Devaux
DEBORAH DEVAUX

ACTION TAKEN BY GOVERNING BODY

The First Selectman, as authorized by the Board of Selectman, or
approved on the _____ day of _____ 2023. It was voted to refund
Property Taxes and Interest amounting to \$ _____ to _____

First Selectman

Other Governing Body

Clerk

Mail To : DEBORAH DEVAUX
KENT
PO BOX 311
KENT, CT 06757



GENERAL DATA REAL ESTATE KENT AS OF 05/16/2023

BILL NO: 2021-01-0000069
UNIQUE ID: 00038400
ORIGINAL OWNER: ANDERSON JAMES J &
C/O: KEOGH-ANDERSON DETROIT

LINK# ADDRESS: 5 COBBLE RD
FILE# CITY ST ZIP: KENT CT 06757
BANK: COUNTRY:
ESCROW: PROP LOC.: 5 COBBLE RD
VOL/PAGE: EXR PROP LOC: 9 22 85
LIEN VOL/PAGE: M/B/L:
DISTRICT:

PROP ASSESSED: 679,100
EXEMPTIONS: ELD CODE: 0
COC CHANGE: EXMPT CHANGE:
NET VALUE: 679,100
MILL RATE: 18.5700

*** BILLED ***
INST1 TOWN 6,305.45
INST2 6,305.45
INST3 0.00
INST4 0.00
ADJS 0.00
TOT TAX 12,610.90
TOTAL PAID: 12,610.90

*** PAYMENTS ***									
TYPE	CYCLE	DATE	ADJ	TERM/BATCH/SEQ	INST	AMOUNT	INTEREST	LIENS	FEEES
Ref	11	05/16/2023		80/3096/1	T	-13.58	0.00	0.00	0.00
Pmt	6	12/30/2022	O	89/3051/19	T	13.58	0.00	0.00	0.00
Pmt	6	12/30/2022		89/3051/18	T	6,291.87	0.00	0.00	0.00
Pmt	1	07/05/2022	P	89/2001/67	T	6,319.03	0.00	0.00	0.00
TOTAL PAYMENTS						12,610.90	0.00	0.00	12,610.90

TOTAL BALANCE DUE AS OF 05/16/2023
INT DUE 0.00
LIEN DUE 0.00
FEES DUE 0.00
TAX DUE NOW 0.00
TOT DUE NOW 0.00
BALANCE DUE 0.00

*** FLAGS ***
Circuit Breaker Amount 0
Invalid Address Flag No
Benefit Year 0

REQUEST FOR ABATEMENT OR REFUND OF PROPERTY TAXES

Sec. 12-81(20), Sec. 12-124, 12-125, 12-126, 12-127, 12-127a, 12-128, 12-129 Rev. as Amended
This is to certify that ELBLE COURTNEY R

has presented satisfactory proof that he/she is entitled to an exemption on the assessment list of 10/01/2021

- ☐ Sec. 12-81 (20) Servicemen Having Disability Rating.
- ☐ Sec. 12-124 Abatement to poor.
- ☐ Sec. 12-125 Abatement of Taxes of Corporations.
- ☐ Sec. 12-126 Tangible Personal Property Assessed in more than one Municipality.
- ☐ Sec. 12-127 Abatement or Refund to Blind Persons.
- ☐ Sec. 12-127A Abatement of Taxes on Structures of Historical or Architectural Merit.
- ☐ Sec. 12-128 Refund of Taxes Erroneously Collected from Veterans and Relatives.
- ☒ Sec. 12-129 Refund of Excess Payments.

ELBLE COURTNEY R
22 SO COMMONS RD 17
KENT, CT 06757

2021-03-0050782

50782

/BB77886/KMHCT4AE0HU308176



2021030050782

To **DEBORAH DEVAUX** Collector of **KENT** State of Connecticut.

I hereby apply for refund* of such part of my tax as shall represent:

The service exemption or Sec. 12-129 Refund of Excess Payments.
(State reason -- Cross out service exemption if it does not apply)

		Tax	Interest	Lien	Fee	Total	Overpaid Tax
Total Due	07/01/2022	155.43	0.00	0.00	0.00	155.43	
Total Paid	02/21/2023	162.17	8.26	0.00	0.00	170.43	-6.74 ***
Adjusted Refund		-6.74	0.00	0.00	0.00	6.74	

PLEASE READ, SIGN, AND DATE BELOW:

I am entitled to this refund because I made the payments from funds under my control, and no other party will be requesting this refund. I understand that false or deliberately misleading statements subject me to penalties for perjury and/or for obtaining money under false pretenses.

Courtney Elble
Print Name

[Signature]
Signature of Taxpayer

5/18/23
Date

COLLECTOR'S RECOMMENDATION TO THE GOVERNING BODY

To the First Selectman, or
It is recommended that refund* of property taxes and interest in the amount of 6.74
be made to the above-named taxpayer in accordance with the provisions of Section (s):

Sec. 12-129 Refund of Excess Payments.

DATED AT KENT, CONNECTICUT THIS 16 DAY OF May 2023

[Signature]
DEBORAH DEVAUX

ACTION TAKEN BY GOVERNING BODY

The First Selectman, as authorized by the Board of Selectman, or
approved on the _____ day of _____ 2023. It was voted to refund
Property Taxes and Interest amounting to \$ _____ to _____

First Selectman

Other Governing Body

Clerk

Mail To : DEBORAH DEVAUX
KENT
PO BOX 311
KENT, CT 06757



AS OF 05/16/2023

GENERAL DATA MOTOR VEHICLE KENT

BILL NO: 2021-03-0050782 NAME: EBLIE COURTNEY R
UNIQUE ID: 50782 C/O:
LINK # 2021-MV-0000475 ADDRESS: 22 SO COMMONS RD 17
FILE# ADDRESS2: KENT CT 06757
BANK: CITY ST ZIP:
ESCROW: COUNTRY:
DMV CIVLS: 5348488-5708134-N
DISTRICT: YR/MAKE/MDL 2017 / HYUND / ACCENT S
PROP ASSESSED: 8,370 REG/CL/ID BB77886/1 / KMHCT4AE0HU308176
EXEMPTIONS: COC CHANGE: ASSMNT CHANGE: 0.00
COC #: EXEMPT Change: TOWN BENEFIT
NET VALUE: 8,370 REG# EXPR:
DMV CIVLS: 5348488-5708134-N

MILL RATE: 18.5700

*** BILLED ***

	TOWN	TOTALS
INST1	155.43	155.43
INST2	0.00	0.00
INST3	0.00	0.00
INST4	0.00	0.00
ADUS	0.00	0.00
TOT TAX	155.43	155.43
TOTAL PAID:	155.43	155.43

*** PAYMENTS ***

TYPE	CYCLE	DATE	ADJ	TERM/BATCH/SEQ	INST	AMOUNT	INTEREST	LIENS	FEES	TOTALS
Ref	11	05/16/2023		80/3096/9	T	-6.74	0.00	0.00	0.00	-6.74
Pmt	8	02/21/2023	O	89/3079/12	T	39.51	0.49	0.00	0.00	40.00
Pmt	7	01/30/2023	D	89/3071/15	T	21.73	3.27	0.00	0.00	25.00
Pmt	3	09/14/2022	D	89/3024/21	T	45.50	4.50	0.00	0.00	50.00
Pmt	1	07/13/2022	P	89/2015/26	T	55.43	0.00	0.00	0.00	55.43
TOTAL PAYMENTS						155.43	8.26	0.00	0.00	163.69

TOTAL BALANCE DUE AS OF 05/16/2023

	TOWN	Benefit Year
INT DUE	0.00	0
LIEN DUE	0.00	
FEES DUE	0.00	
TAX DUE NOW	0.00	
TOT DUE NOW	0.00	
BALANCE AMT	0.00	
*** FLAGS ***		
Circuit Breaker Amt	0	
Invalid Address Flag	No	

Treasurer's Report

5/23/2023

	March		April	
A/P Checks Issued	113	491,839	93	443,687
Payroll	156	187,097	125	88,784
BoE Transactions	54	347,742	54	341,220
Deposits	28	170,961	14	198,794
Net I / E	351	(855,717)	286	(674,897)

FY 2022 -2023

	Actual	Budget	% of Budget	Variance to budget
Income	\$ 13,352,394	\$ 13,776,199	96.92%	\$ 423,805
				\$ -
A · General Government	\$ 1,441,966	\$ 1,604,966	89.84%	\$ 163,000
B · Public Safety	\$ 265,875	\$ 514,236	51.7%	\$ 248,361
C · Public Works	\$ 1,189,813	\$ 1,856,172	64.1%	\$ 666,359
D · Health and Welfare	\$ 154,986	\$ 178,842	86.66%	\$ 23,856
E · Recreation	\$ 205,101	\$ 271,528	75.54%	\$ 66,427
F · Sanitation	\$ 113,175	\$ 147,931	76.51%	\$ 34,756
G · Board of Education	\$ 6,284,268	\$ 7,241,710	86.78%	\$ 957,442
H · Debt Service	\$ 38,906	\$ 38,906	100.0%	\$ -
I · Transfer to Capital	\$ 1,078,408	\$ 1,078,408	100.0%	\$ -
J · Transfer to Dog Fund	\$ 7,500	\$ 7,500	100.0%	\$ -
L · Transfer to Schaghticoke	\$ 30,000	\$ 30,000	100.0%	\$ -
K · Current Year Capital Projects	\$ 806,000	\$ 806,000	100.0%	\$ -
Total Expense	\$ 11,615,997	\$ 13,776,199	84.32%	\$ 1,736,396

Notes

Revenue

\$52,532	490 tax penalties received - non budgeted
\$15,852	MV Supplement Collections have exceeded the budgeted amount
\$95,638	Interest income has exceeded the budgeted amount
\$15,400	Building Permit revenue has exceeded the budgeted amount
\$9,204	P/Z permit revenue has exceeded the budgeted amount

At this time, Five departments will require Budget Transfers

Expense

P/Z	\$17,000 +/- resulting from the PTO payout to the Land Use Adminisrator upon retirment totaling \$15,570 & Pension contribution correction totalng \$1,304
I/W	\$5,000 +/- due to budgeting only one person for HI and not considering a transition which included a change in coverage status (\$900 more each month)
Town Hall	\$20,000 +/-due to elevator repair
Grants / Cemetery	\$1,000 +/- (336 Kent Road -vehicle damage to fences at cemetery)
Swift House	\$1,500 +/- due to Repairs and Maint (windows and locks)

Building Inspector																			
GL# 04-120-400																			
2022-2023																			
85% 15%																			
Receipts	Waived Fees	Payment	Town Share	Check Date	Check #	Check Amount	Construction Value	# of Permits											
July	23,590.00	20,051.50	3,538.50	8/11/2022	ACH	\$ 20,051.50	\$3,871,474	46											
August	14,686.00	12,483.10	2,202.90	9/12/2022	ACH	\$ 12,483.10	\$2,286,246	57											
September	22,750.00	19,337.50	3,412.50	10/5/2022	ACH	\$ 19,337.50	\$3,679,333	45											
October	39,841.99	33,865.69	5,976.30	11/2/2022	ACH	\$ 33,865.69	\$6,497,815	54											
November	65,276.00	55,484.60	9,791.40	12/5/2022	ACH	\$ 55,484.60	\$10,744,939	58											
December	4,354.00	3,700.90	653.10	1/3/2023	ACH	\$ 3,700.90	\$646,198	32											
January	21,590.00	18,351.50	3,238.50	1.31.23	ACH	\$ 18,351.50	\$3,526,434	73											
February	24,033.61	20,428.57	3,605.04	3.16.23	ACH	\$ 20,428.57	\$3,952,466	36											
March	14,599.12	12,409.25	2,189.87	4.4.23	ACH	\$ 12,375.25	\$2,377,633	36											
April	18,631.00	15,836.35	2,794.65	5.10.23	ACH	\$ 15,836.35	\$2,938,097	55											
May	-	-	-		ACH														
June	-	-	-		ACH														
Total	\$ 249,351.72	\$ -	\$ 211,948.96			\$ 211,914.96	\$40,520,635	492											
Amt Budgeted																			
% of Budgeted Amount Received to date																			
			22,000.00			LFY TD	25,505,183	448											
			170.01%			Variance	15,015,453	44											
						Change	58.87%	9.82%											
Note:	Construction activity curtailed during the winter months																		
	The first \$1,000 is a \$20 fee																		
	Building Permit Fees are calculated at \$6 per 1,000 of the value of the project over 1,000																		
						test													
						\$34.00													

Memo

To: Board of Selectman
From: Tai Kern, Land Use Admin.
Date: May 12, 2023
Re: Planning & Zoning Commission – Alternate Recommendation

At the 5/11/23 Planning and Zoning Regular Meeting, a motion was made and unanimously approved to accept the resignation of Alternate Member Richard Chavka – term expiration 11/30/2023.

Subsequently, an additional motion was made and unanimously approved to recommend Anthony Palumbo to fill the vacant term left by Richard Chava – term expiration 11/30/23.

The P&Z Commission respectfully requests that this recommendation for appointment of Anthony Palumbo as a P&Z Alternate with term expiration of 11/30/23 be included on the 5/24/23 Board of Selectman agenda for consideration.

MEMORANDUM OF UNDERSTANDING

NORTHWEST HILLS REGIONAL OPIOID RESPONSE FUND

The Northwest Hills Planning Region will establish a Regional Opioid Response Fund (RORF) that will be funded by National Opioid Settlement dollars that have been received by participating member towns. This Memorandum of Understanding (MOU) is to enable the implementation of the Regional Opioid Response Fund in the towns of Barkhamsted, Canaan (Falls Village), Colebrook, Hartland, Kent, Litchfield, Morris, Norfolk, North Canaan, Warren, and Washington (collectively "Towns") and is made this 1st day of June 2023 by and between the Towns and the NHCOC.

1. Fund

The fund will be used to collectively achieve a greater impact to mitigate the negative effects of the opioid epidemic by facilitating a sustainable and equitable regional approach to financing and implementing evidence-based strategies and harm-reduction programs, as well as providing financial assistance to individuals and families seeking opioid treatment and interventions.

2. Location of Fund

The fund will be located at NHCOC.

3. Responsibilities

As host of the fund, NHCOC will administer funding for approved opioid response-related services, as well as maintain general accounting practices of the fund. NHCOC will convene a committee of mental health and substance use providers to ensure that requests for project or service funding align with evidence-based strategies and/or identified best practices.

4. Resolution of Disputes

The NHCOC shall be responsible for resolving any disputes over the terms of this MOU.

5. Meetings

The participating towns agree to meet as needed to discuss issues as they arise.

6. Obligation to Use Fund

The participating municipalities shall not be obligated to use the RORF. This MOU does not impose any limitations on the participating town's right to purchase or contract for any opioid response services.

7. Termination

If a municipality decides to withdraw from the RORF, the municipality shall give the NHCOC thirty days written notice of their intent to terminate this MOU and withdraw from the RORF.

8. Participation

A municipality may choose to participate in the RORF at any time by allocating their existing National Opioid Settlement funds to NHCOG.

9. Amendment

The terms of this Agreement may be amended from time to time as deemed necessary by the NHCOG, and towns participating in the RORF.

10. Counterparts

This Agreement may be executed in any number of counterparts and by the different parties hereto in separate counterparts, each of which shall be an original but all of which shall together constitute one and the same instrument.

The undersigned Chief Elected Official and NHCOG member hereby agrees to the terms and conditions of this Memorandum of Understanding, and agrees to participate in the Northwest Hills Regional Opioid Response Fund. The term of this Agreement shall be in effect from July 1, 2023 through June 30, 2025 and may be extended upon approval of the participating towns.

TOWN OF BARKHAMSTED

Donald S. Stein, First Selectman Date

TOWN OF CANAAN (Falls Village)

Henry W. Todd, First Selectman Date

TOWN OF COLEBROOK

Christopher Johnstone, First Selectman Date

TOWN OF HARTLAND

Magi Winslow, First Selectman Date

TOWN OF KENT

Jean Speck, First Selectman Date

TOWN OF LITCHFIELD

Denise Rapp, First Selectman Date

TOWN OF MORRIS

Tom Weik, First Selectman Date

TOWN OF NORFOLK

Matthew T. Riiska, First Selectman Date

TOWN OF NORTH CANAAN

Charles P. Perotti, First Selectman Date

TOWN OF WARREN

Greg LaCava, First Selectman Date

TOWN OF WASHINGTON

James Brinton, First Selectman Date

Hiring Policy Draft
Town of Kent
Board of Selectmen
Regular Meeting
April 26, 2023

A job description, posted on the Town of Kent website for at least two weeks, is required before boards and commissions may hire new employees. Exceptions may be made for emergency hires at the discretion of the First Selectman.

From: wmurphy77@charter.net
Sent: Wednesday, June 14, 2023 8:31 PM
To: Connie Manes; Carol Franken; Melissa Roth-Cherniske; Liddy Baker; Jos Spelbos; Jean Conlon Speck
Subject: Fwd: Update on Cricket Valley
Attachments: Peter Babich reply #1 2023 .docx; Untitled attachment 00212.htm

Blake Levitt of Warren was not satisfied with the decision of her fellow Cricket Valley watchdogs to close out our monitoring actions once our UConn Air Quality study was completed by Prof Wagstrom and graduate students. Blake offered to pursue some other options. Here is her report. Not much surprise that avenues for further investigation are hard to find. If Cricket Valley ever begins to operate at full capacity and activities that were suspended during COVID resume we will have our baseline pre-construction studies for comparison and DEEP has its data but the group's focus on CV has moved on. It was a learning experience and I think we are all glad we alerted the public to potential threats. But so far no adverse effects have been detected. If anything, we should go to work on prohibiting residential gas stoves whose emissions clearly have been shown to be deleterious to health.

W

Sent from my iPad

Begin forwarded message:

From: blakelevit@cs.com
Date: June 14, 2023 at 2:33:23 PM EDT
To: alicia@northstarbotanicals.com, allanp82@live.com, bails@att.net, BenjaminM@kent-school.edu, brent_c@sharon-ct.org, carolfranken@gmail.com, cecdavis13@gmail.com, colette.shulman@gmail.com, dtranzillol@highwatch.org, kfreygang@gmail.com, liam57@charter.net, lindamerklefrank@aol.com, lmeyannone@gmail.com, lmy1@cornell.edu, paulb444@earthlink.net, sbfpayne@gmail.com, wmurphy@pobox.com
Subject: Update on Cricket Valley
Reply-To: blakelevit@cs.com

Dear All,

Colette Shulman called me today to get an update of Cricket Valley to take to her Conservation Commission tonight and it occurs that others may want the same. Sorry for being so remiss. Anyone who reads the Lakeville Journal can easily understand how busy Katie is, along with others, replanting Housatonic Meadows State Park in cooperation with DEEP after that egregious hazardous tree cutting of perfectly healthy old growth oaks etc. And I've been tied up with writing peer review papers on other things. The weeks flew by but here we are now with an overdue update:

Katie and I had a phone conversation at the end of April/beginning of May with Peter Babich -- the air division guy -- at DEEP. Good conversation during which we emphasized that this area was not going to keep its private town air monitors functioning -- monitors too buggy, complicated, and expensive, for municipalities -- and that the network was no longer functional. We emphasized that we are moving in the direction of getting funding for DEEP to extend their regular monitoring system to

include the microclimates of NW CT instead, as they are the ones with expertise to do this going forward, not us (we were primarily after pre-ignition baseline data which we now have). During that conversation he said DEEP was not in a position to extend their system, that an additional monitor like DEEP's on Mohawk Mt in Cornwall would cost @\$1 million dollars, and that they did not have the manpower. We asked for ballpark estimates for how much it would actually take for them to expand, including additional manpower, and thought he understood where we were going. (He's a really smart guy on this and willing to help but has in-house constraints/hierarchy to deal with.) We brought up the possibility of additional mobile monitoring and he said they have a new unit but that it would mostly be used along the coast where air quality is far worse. (DEEP is clearly not that interested in NW CT, or CV -- seem to think we are making a mountain out of a mole hill?)

What he came back with (attached) was detailed information to accomplish the exact thing we told him we could no longer do -- i.e., continue the WCCAA public/private partnership with DEEP via town-owned monitors -- recommended now by him at twice the price to capture more emissions. We will keep the communication lines open with him but it is likely from his email that higher-ups turned our proposal down despite our offer to get them additional funding, and that in order to get DEEP to do this, we will probably need new legislation.

As this was unfolding, Katie and I were also in communication with Maria Horn who chairs the house finance committee but it was getting late in the legislative session to include anything as large as an extra dedicated \$1M for DEEP, and the time had long passed the Jan deadline to write new legislation for this. And concurrent with all this, it came to our attention that there was a bill (SB 1146 which became 517), that DEEP was requesting they be removed from helping with oversight of CV which they were required to do thanks to Maria. (Maria looked into this and found that language had already been removed from the bill in the enviro committee -- so good on that! We also contacted Senator Blumenthal's office for help with getting the US EPA to require additional air modeling for NW CT -- have not heard back after initial contacts and need to followup with them. We also contacted AG Tong's office and did not hear back at all, which happened with WCCAA before.

Where this has left us:

- . I am monitoring the NY DEC site weekly to see if they have approved CV's renewal -- so far not yet but they have no timeline. (Suspect they are now in no hurry to do so since CV can operate under the old license in the meantime and clearly people are watching. Once they approve, a 30-day comment period begins which is more work for them.)

- . DEEP has a fancy new mobile air monitoring unit as seen on FOX local affiliate (link below). We will ask Peter Babich to include NW CT along the river in that on a regular basis and report back to us. (That's an interim approach to getting more fixed DEEP monitors installed.)

- . We hope to work with Maria Horn earlier in the new year regarding legislation that would require DEEP to extend their monitors and get them additional funding for it.

Upshot: we did not hit our admittedly ambitious but (we thought) reasonable goals. We did manage to write a comprehensive report and take the pulse of DEEP, maintain

friendly contact with their lead air guy, may yet get them to include us in their mobile monitoring efforts, may still get Senator Blumenthal to get EPA to request CT air modeling, and hope to do better in 2024 as this problem is certainly not going away.

If anyone hears anything about CV, please let us know, and we will do the same.

<https://www.fox61.com/article/weather/climate-matters/deep-unveils-mobile-air-monitoring/520-cc205a5f-fb6a-4cba-9b51-244ca5624d9b>

Very Best and Hope Everyone's Well,
Blake Levitt

RE: Today's call

Tue, May 2, 2023 5:32 pm

Babich, Pete (Pete.Babich@ct.gov) To: you + 1 more Details

Hi Blake, Hi Katie,

It was good talking with both of you last week and apologies for taking a bit to get back to you, but wanted to make sure I provided you with the information that you requested.

The technology that I would recommend to give you some of the air quality measurements you are looking for is approximately \$8 to \$10k per site. This would give you particulate matter, ozone, carbon monoxide, nitrogen oxide and nitrogen dioxide, as well as, temperature, relative humidity, wind speed and wind direction. This is the cost for the equipment along with a cellular plan and access to data for one year and this is per site. So five sites would be between approx.. \$40-\$50k, and so on. Ongoing costs would be approximately \$500-\$1k/year/site to pay for cellular service and access to data and I would budget another \$1k-\$2k/year/site for any maintenance or repair issues that come up.

So, for 5 sites, I would budget \$50k for initial procurement and \$15k/year after the first year for cellular/data access and maintenance/repairs.

Now that's just for initial equipment and ongoing O&M (operation and maintenance). For siting/initial setup and ongoing operation, that is something else that would need to be addressed. DEEP does not have the staff resources to site and operate this equipment, but I can commit to us assisting in the siting of the air sensors and working with a contractor and/or individuals/community groups to get the network established. We can also commit to running an equivalent air sensor at our Mohawk Mountain site alongside our regulatory monitoring to better put in context the sensors being operated at your locations.

So that's a lot to digest and I'm sure you may have questions, so please do let me know what your questions may be and if you want to jump on another call. I truly wish we had the staff resources to play a more active role in this effort, but we are committed to advising and assisting to ensure your efforts are successful. I do not know what a contractor would cost if you were to go that route, but I imagine it would be reasonable given the type of equipment I'm recommending.

Again, let me know if you have any questions or would like to hop on another call.

Thanks,

Pete

Peter Babich

Assistant Director

Bureau of Air Management / Planning & Standards Division

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