

Board of Selectmen
Regular Meeting

April 2, 2019
4:30 P.M. Town Hall

Present: Bruce Adams and Chris Garrity.

Also present: Darlene Brady, Debbie Devaux, Sean Gilson, Donna Hayes, Peter Jensen, Rick Osborne, Elyse Sadtler, Lynn Worthington.

Mr. Adams called the meeting to order at 4:30 p.m.

The pledge was recited.

Mr. Garrity seconded the motion and the motion carried.

Approval of Minutes:

Mr. Adams made a motion to approve March 5, 2019 Board of Selectmen's Regular meeting minutes, as submitted. Mr. Garrity seconded the motion and the motion carried.

Mr. Adams made a motion to approve the following Board of Selectmen's Special meeting minutes, as submitted:

- March 5, 2019 3:00 p.m.
- March 5, 2019 6:00 p.m.
- March 11, 2019
- March 20, 2019

Mr. Garrity seconded the motion and the motion carried.

Public Communication:

Oral:

Mr. Jensen stated that at the last Regular BOS meeting he had presented some thoughts on Kent's Town Meetings and the attendance. In his correspondence he had asked for follow-up by the BOS and because he did not see his concerns on the agenda for this meeting, he presented the same hand out again (attached). Mr. Adams stated that the residents do have access to information via the two newspapers, his monthly newsletter, he is at the Transfer Station and answers phone calls and e-mails. Mr. Garrity added that the Annual Town Report is on-line. Mrs. Brady added that anyone can sign up for meeting notifications on the website, this includes Town Meetings.

Sean Gilson expressed his concerns with the speed, the increase of water on his property and the lack of plantings on Kenico Road. Mr. Adams agreed to arrange a meeting with Mr. Gilson and the engineer and Rick Osborne.

Written:

Mr. Adams stated that there were three written reports, attached:

- March 29, 2019 Staff Report from Donna Hayes
- March 27, 2019 Senior activities report from Lesly Ferris

Health Insurance:

Mr. Adams reported that with Aetna's 25% increase, Kona shopped other insurance carriers and United Healthcare submitted a quote that is 13.50% lower than the current

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2019 APR -4 P 3:45

BY  TOWN CLERK

rates. He added that the benefits are very similar, and Sara Kelly of KONA will be at Town Hall tomorrow at noon to go over the benefits with the benefited employees.

Agenda for Special Town Meeting:

Mr. Adams made a motion to approve the agenda for the Special Town Meeting on May 3, 2019, as submitted. Mr. Garrity seconded the motion and the motion carried.

Recycling Ordinance:

Mr. Adams stated that Town Attorney Randy DiBella has reviewed the Town of Kent Recycling Ordinance and the proposed HRRRA ordinance as a blended document (attached) that Jen Heaton of HRRRA drafted. He made several recommendations as outlined in his April 3, 2019 e-mail (attached). Mr. Adams made a motion to approve the blended Solid Waste and Recycling Ordinance with the recommendations outlined in Attorney Randy DiBella's April 3, 2019 e-mail. Mr. Garrity seconded the motion and the motion carried.

BOS 2019-2020 Goals:

Mr. Garrity committed to setting up a neighborhood meeting in the next couple of months. Mr. Adams stated that he had e-mailed the other Selectmen some topics for a Town Booklet.

2019-2020 Operating Budget:

Mr. Adams stated no action is need at this time. He added that the Board of Finance is having a meeting at 7:00 tonight to discuss the proposed salary increases in the budget. Mr. Garrity stated that he thinks that the Board of Finance's action and reaction to the proposed budget is puzzling. He added that it is the Board of Selectmen that manages not the Board of Finance. Mr. Garrity added that he feels it is a "slap in the face" for the Board of Finance to question the Board of Selectmen's budget and then make a motion to give the library an additional \$20,000.

Five-Year Capital Plan:

Mr. Adams stated no action is needed at this time.

Park and Rec Director Job Description:

Mr. Garrity stated that the Board of Selectmen need to know the Park and Rec Commission's position on the Monday/Wednesday Senior lunch program due to the budget implications. Mr. Adams confirmed that he would get that information.

Policy and Procedure Manual update:

Mr. Adams made a motion to cap the insurance opt-out to conform with the union contract at \$15,000, effective July 1, 2019. Mr. Garrity seconded the motion and the motion carried.

Building Inspector Contract:

Mr. Adams stated that the Board of Selectmen need to decide if they want to "hire" the existing building inspector, Joe Manley and increase fees? Mr. Adams stated that he is in favor of raising the permit fees to \$30 for the first \$1,000 of value and \$10 for

additional thousand dollars, and the building inspector gets 75% of the fees. Ms. Devaux asked if it would be better for the Town if the building inspector is a hired employee and not a contracted employee. She asked if a report could be done to show the fees collected over the past five years? Mrs. Hayes stated that it might be difficult to get someone to work the limited hours. Mr. Adams added that the rates have not been increased in over twelve years. Mr. Garrity suggested getting a report from the treasurer showing the past five years of fees, and the Board should be prepared to make a decision at the next BOS meeting.

Report of First Selectman:

Mr. Adams reported on some of the things he did in the month of March 2019:

- Judged recycling posters at KCS
- Friday Senior lunch restarted
- Met with HVA guys
- Conference call on Health Insurance

Meetings covered by the BOS - Group or individual:

COG – Bruce

BOS x 4 – Full BOS

Streetscape - Bruce

BOF - Bruce

Police Report:

Trooper Fisher has truly become an important part of Kent. He is readily available, even on days off. He fulfills most tasks I put before him. He is well respected in the Town and at all the schools. We are lucky to have him.

Report of Selectmen:

Mr. Garrity had nothing to report.

Report of Treasurer:

Mrs. Herbst did not attend and did not provide any reports.

Tax Refunds:

Ms. Devaux presented 35 tax refunds. She explained that the refunds are the result of overpayments and pre-payments. She stated that she does not take pre-payment. She added the Town has enough money.

Mr. Adams made a motion to approve the following tax refunds:

Corrigan John J III	\$23.03
73 South Street I LLC	\$591.00
Corsell Laura A Trustee	\$1,16
Osborne Land Management Services LLC	\$22.46
Dwy David	\$1,406.92
Lenz Mark	\$29.72
Schullery, Susan M	\$32.05

Honda Lease Trust	\$18.71
Issacharoff Samuel	\$243.28
ACAR Leasing Ltd	\$70.83
Ford Credit Personal Property	\$197.64
Ford Credit Personal Property	\$183.09
Rojas-Garcia, Esteban	\$42.20
Horing, David & Ellen T	\$50.00
LaFontan LLC	\$9.62
VW Credit Leasing Ltd	\$85.12
Dunaif Gwendolyn V Trustee	\$2,050.82
Hussain, Steven	\$2,797.09
Priault Allan & Jacqueline Markham	\$87.52
Priault Allan & Jacqueline Markham	\$15.71
Slater, Michael	\$54.16
Orth Mary Moette Robarge	\$14.22
Soule Tonya D	\$19.78
Rochell Carlton Jr	\$5,998.01
Rider Carrie H	\$27.75
Rojas Ivan N	\$60.29
Markowitz Robert	\$14.22
Alderman James E	\$10.81
Sehl Andrea N	\$1,603.25
Wade Peter G	\$44.05
Toyota Lease Trust	\$329.21
Vassar Health Quest Medical	\$544.64
Saandercock Margaret B	\$6.64
McFadden Joseph & Kimberly	\$2,784.06
447 Segar Mtn Rd Lmted Partnership	\$5,383.88
Mr. Garrity seconded the motion and the motion carried.	

Employee(s) report(s) on Seminar/workshops:

Mrs. Hayes stated that she attended the Connecticut Land Use Law for Municipal Land Use Agencies, Boards and Commission presented by the Connecticut Bar Association at Wesleyan University on Saturday, March 23, 2019. She felt there was too much information for one day. She would suggest that the meeting be split into two days.

Mr. Garrity made a motion to adjourn the meeting at 6:08 p.m. Mr. Adams seconded the motion and the motion carried.


 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 of these minutes.

AGENDA

BOARD OF SELECTMEN
REGULAR MEETING

APRIL 2, 2019
4:30 P.M. TOWN HALL

Regular Meeting

1. **Call to order**
2. **Approval of Minutes**
 - a. March 5, 2019 Special Meeting
 - b. March 5, 2019 Regular Meeting
 - c. March 5, 2109 Special Meeting
 - d. March 11, 2019 Special Meeting
 - e. March 20, 2019 Special Meeting
3. **Public Communication**
 - a. Oral
 - b. Written:
 - March 29, 2019 Staff Report from LUA Donna Hayes
 - March 27, 2019 Senior Activities Report form P&R Director Lesly Ferris
4. **New Business**
 - a. Health Insurance
 - b. Agenda for Special Town Meeting
5. **Old Business**
 - a. Recycling Ordinance
 - b. BOS 2019-2020 Goals
 - c. 2019-2020 Operating Budget
 - d. Five-Year Capital Plan
 - e. Park and Rec Director Job Description
 - f. Policy and Procedure Manual update
 - g. Building Inspector Contract
6. **Report of First Selectman**
7. **Report of Selectmen**
8. **Report of Treasurer**
9. **Tax Refunds**
10. **Employee(s) report(s) on Seminar/workshops**

"An equal opportunity employer and service provider."

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2019 APR - 1 P 1:19

BY *Donna Hayes*
TOWN CLERK

**Kent Board of Selectmen Questions – March 05, 2019 – presented by Peter Jensen
.....(Resubmitted April 02,2019)**

If Resident Participation in Town Decision Making is Acknowledged as Good, What is the Selectboard Doing to Encourage and Increase Resident Participation and Attendance at Town Meetings?

Issue: Kent has 1000+ registered Voters and the 2018-19 Town Budget of \$12.9M was voted on by 23 people (17 yes/6 no). That is an alarming example of a serious democratic problem.

1-More and Proper Town Meeting and Town Business Notifications:

- Question: why are formal Town Meetings currently being scarcely and improperly noticed per State Statutes?
Example: besides any electronic, newspaper, clerk's office posting the notices for formal Town Meetings should be posted outside "in the public square" as required by CT General Statute Chapter 90 Section 7-3 which reads:

"Notice of a town meeting shall be given by posting, upon a signpost or other exterior place near the office of the town clerk of such town and at such other place or places as may be designated as hereinafter provided, a printed or written warning signed by the selectmen, or a majority of them....."

- Proposals:

1-minimally place an informal sandwich sign on Main St. for meeting notifications (if a sandwich sign can be placed on Main St for a week advertising \$8 dog tag requirements, why can we not have the same when considering a \$3.8M sidewalk project?)

2-consider installation of a permanent Town Bulletin Board adequate for Town Business posting and for notification of formal Town Meetings, somewhere along Main St or perhaps the Kent Visitor Center?

3-Create and Publish a Town Meeting Report, including Selectboard Review of past year and Next Year Budget Proposals and mail to every resident in Town before vote on Annual Town Budget?

- Results: allows for wider notifications to the Residents who are not subscribers to any local newspapers or cannot receive electronic notices and may drive more Resident interest in Town Business and attendance at meetings.
- Next Steps: Add to Selectboard meeting agenda as ongoing goal and aspiration.

2-Save time for both Town and Resident:

- Question: why is there a Town Annual Meeting in January and then a Town Annual Budget Meeting in May?
- Proposal: combine the two into one Town Annual Meeting (anytime between January and May) and conduct the business of the two meetings in a single meeting since the Town Annual Meeting in January has little substance
- Result: saves time and money for all parties, both Town and Resident
- Next Steps: Consider amending Kent Town Ordinances Sec 2-1 Annual Town Meeting and 2-2 Annual Budget Meeting



TOWN OF KENT LAND USE OFFICE

STAFF REPORT

DATE: March 29, 2019
FROM: Donna Hayes, CZEO

Building Department:

- Permits Issued: 23 (March)
- Total Construction value: \$429,087 (March)
- Fees: \$2,920

Planning & Zoning:

- Permits Issued: 8 (March)
- Certificates of Compliance Issued: 0 (March)
- Applications before the Commission: (March)
 - Applications #106-18SP and #107-18C, by High Watch Recovery Center, Inc., for 54 Carter Road (Map 14 Block 22 Lot 6); 62 Carter Road (Map 14 Block 22 Lot 7); and the 15.48-acre unimproved parcel of land (Map 14/Block 21/Lot 23, Parcel I.D. #1486) abutting the northerly line of Carter Road and the southeasterly line of 47 Carter Road, for a special permit and site plan approval for the following: Construction of two-story addition (including offices, 218-seat lecture hall and 12-bed detoxification wing) to existing administrative and clinical office building at 62 Carter Road; single story addition and kitchen expansion to dining hall at 62 Carter Road; addition of detoxification service at 62 Carter Road; increase in total residential in-patient bed count from 78 to 90 at 62 Carter Road; conducting therapeutic activities (including temporary housing of staff) associated with the treatment of drug and alcohol addiction at 54 Carter Road; constructing expanded landscaping/vegetative screening, driveway entrance, parking area, retaining wall and stormwater detention basin at 54 Carter Road and 62 Carter Road; constructing new septic system on Parcel I.D. #1486; and associated site work on all three parcels.
 - The public hearing was closed on March 14th and a decision must be rendered by May 19, 2019.
 - Kent Center, LLC, 10 North Main Street, change of use from gallery to office (second floor above the House of Books), Map 19 Block 42 Lot 29.
 - Withdrawn at the March 14th meeting.

- Application #'s 10-19C and 11-19SP, Wyrick Associates for South Kent School, 40 Bulls Bridge Road, garage/study addition to Headmaster's House and portico addition to Admissions Building, Map 6 Block 39 Lot 9 (approved).
- Application #05-19C, James Lilly & Lily Thom, 0 Brown Road, construction of single-family dwelling, driveway, septic, well and associated site work in the Horizonline Conservation District, Map 11 Block 40 Lot 24 (approved).
- Town of Kent request for approval per Section 8-24, relocation of property line along Spooner Hill Road. Changes to be: .036 acres to John Milnes Baker & Elizabeth M. Baker, 84 Spooner Hill Road, Map 5 Block 12 Lot 110; and, .124 acres to John Milnes Baker & Elizabeth M. Baker, 76 Spooner Hill Road, Map 5 Block 12 Lot 109 (approved).
- Lot Line Revision, 1.030 Acres from 76 Spooner Hill Road, John Milnes Baker & Elizabeth M. Baker, Map 5 Block 12 Lot 109 to 84 Spooner Hill Road, John Milnes Baker & Elizabeth M. Baker, Map 5 Block 12 Lot 110 (approved).
- Appointment of Peter Hanby, AIA, to the Architectural Review Board.
- Temporary operation of Farmer's Market from May 24 to mid-October, 2019, Friday's only, 0 South Main Street, Map 19 Block 12 Lot 6 (approved).

Inland Wetlands:

- **Approved: March**
 - Application #1189-19, Carrie Trowbridge/Fernando Cela Diaz, 445 Segar Mountain Road, construction of boardwalk with a ramp, removable floating dock and platform area, Map 15 Block 22 Lot 70 (approved with modifications provided by contractor).
 - Application #1195-19, Howard S. Raabe, Jr., for Jeffrey & Erica Keswin, 27 Macedonia Brook Road, repair bridge crossing Macedonia Brook, Map 3 Block 5 Lot 17.
 - Application #1192-19, Bruce Adams for Town of Kent, replacement of Carter Road culvert located approximately 2100' west of the Kent/Warren town line, Map 14 Block 22 Lot Town Road.
- **Pending: April**
 - Application #1190-19, Brian Neff for Howard & Donna Smith, 81 Kent Hollow Road, construction of single-family dwelling, driveway, septic, underground utilities and associated site work, Map 16 Block 24 Lot 1 (tabled to April per the Commission due to missing information).
 - Application #1193-19, Devon Dobson of Litchfield County Pools for Jessica Turner, 100 North Main Street, installation of 18' x 50' inground swimming pool, perimeter fencing and associated site work, Map 19 Block 42 Lot 1.
 - Application #1194-19, Rick Osborne for Town of Kent, Camps Flat Road, remove debris and lower beaver dam; restore washed out road shoulder, Map 12 Block 35 Lot 15.

Zoning Board of Appeals:

- Approved: March
 - Application #01-19, Eric and MaryEllen Epstein, 1 Chimney Rock Road, relief from §3240, side yard setback, for the addition of second story on the northern side of existing house, Map 9 Block 15 Lot 10.

Architectural Review Board:

- Approved: March
 - Recommendation of Peter Hanby to Board
- Pending: April
 - Possible changes to regulations

LEGAL ISSUES:

- Birch Hill Certificate of Need
 - The Deputy Commissioner approved the Certificate of Need with conditions. There is a possibility that some of those conditions would warrant slight modifications to the special permit.

VIOLATIONS:

- Application #008-18, Rick Dolson for Cynthia & Wayne Gustafson, Trustees, 21 Bridge Street, installation of sign on existing sign post and window, Map 19 Block 13 Lot 10.
- Complaint regarding the “running of a commercial breeding business” at 9 Chase Hill Road, Map 9 Block 15 Lot 47. Applications were sent to the homeowner for the scheduling of a public hearing. As of the writing of this staff report, the completed applications were not received by my office.

OTHER:

- On Saturday, March 23rd, I attended:
 - Connecticut Land Use Law for Municipal Land Use Agencies, Boards and Commissions presented by the Connecticut Bar Association at Wesleyan University.
- I have vacation planned for May 8th to the 22nd returning to the office on the 23rd.

Kent Park and Recreation

Lesly Ferris, Director

P.O. Box 678

41 Kent Green Boulevard

Kent, CT 06757-0678

Telephone 860-927-1003

Fax 860-927-1313

parkandrec@townofkentCt.org

www.kentCtparkandrecreation.com

To: Board of Selectmen

From: Lesly Ferris



Date: March 27, 2019

Re: Senior Activities

The following special activities took place at the Kent Senior Center during March 2019:

7, 14, 21, 28 – Senior Art Group

11 – Adult Coloring Group

13 – St. Patrick's Day luncheon

22, 29 – Friday Senior lunch

Thank you!

Lesly

**NOTICE OF SPECIAL TOWN MEETING
TOWN OF KENT
TO BE HELD ON MAY 3, 2019
AND A REFERENDUM VOTE ON MAY 31, 2019**

Notice is hereby given that a Special Town Meeting of the electors and citizens qualified to vote in Town Meetings of the Town of Kent, Connecticut will be held at the Town Hall, 41 Kent Green Boulevard, Kent, Connecticut on MAY 3, 2019 immediately following the Annual Town Budget Hearing for the following purpose:

1. To receive communication from the Boards of Finance and Selectmen with respect to, and to consider and act upon the resolution entitled "RESOLUTION APPROPRIATING \$2,925,000 FOR TOWN OF KENT STREETSCAPE IMPROVEMENTS AND AUTHORIZING THE ISSUE OF \$2,925,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE"

The Board of Selectmen voted, pursuant to Section 7-7 of the Connecticut General Statutes, as amended, that the vote on the streetscape bond resolution (item 1) of the call of the Special Town Meeting to be held on May 3, 2019, be removed from the call of such meeting and adjourned to a referendum vote at Adjourned Town Meeting to be held on May 31, 2019. As a result, the May 3, 2019 Special Town Meeting will be held to only consider and discuss the streetscape bond resolution, not to vote on it. The question to be voted upon at the referendum shall be stated as follows:

Question 1:

"Shall the resolution entitled 'RESOLUTION APPROPRIATING \$2,925,000 FOR TOWN OF KENT STREETSCAPE IMPROVEMENTS AND AUTHORIZING THE ISSUE OF \$2,925,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE', as adopted by the Boards of Finance and Selectmen, be approved? YES NO"

The ballot label for said question shall read as follows:

"Shall the \$2,925,000 appropriation and bond issuance authorization for the Kent Streetscape Project, pursuant to the resolution adopted by the Boards of Finance and Selectmen, be approved? YES/NO"

The voting will be by paper/electronic ballot. Those desiring to vote for the question shall fill in the box in front of the question on the ballot at "YES". Those desiring to vote against the question shall fill in the box in front of the question on the ballot at "NO". Absentee ballots will be made available in accordance with law.

The full text of the aforesaid resolution and question is on file, open to public inspection, in the office of the Town Clerk. The vote on the aforesaid resolution is taken under the authority of Section 7-7 and Chapter 90 of the Connecticut General Statutes, as amended.

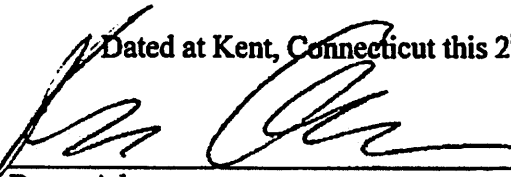
The polls will be open during the hours between Noon and 8:00 P.M. and electors shall cast their votes at 41 Kent Green Blvd., Kent, CT 06757.

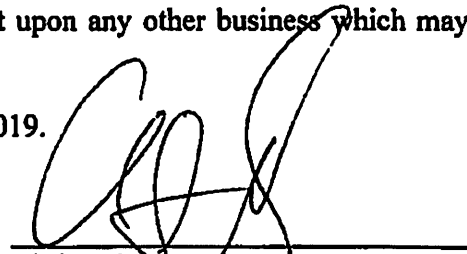
Property owners who are not electors but are Qualified Voters pursuant to Section 7-6 of the Connecticut General Statutes, as amended, shall cast their votes at 41 Kent Green Blvd., Kent, CT 06757.

A Qualified Voter is any citizen eighteen years of age or more who, jointly or severally, is liable to the Town of Kent for taxes assessed against him or her on an assessment of not less than One Thousand Dollars on the last completed grand list of the Town, or who would be so liable if not entitled to an exemption under subdivision (17), (19), (22), (25) or (26) of Section 12-81 of the General Statutes.

Such Special Town Meeting may consider and act upon any other business which may lawfully come before the Meeting.

Dated at Kent, Connecticut this 2nd day of April, 2019.



Bruce Adams
First Selectman

Christopher Garrity
Selectman

Jeff Parkin
Selectman

ATTEST:

Darlene F. Brady
Town Clerk



Joyce Kearns <adminassist@townofkentct.org>

Fwd: HRRRA Ordinance revisions

1 message

Bruce Adams <firstselectman@townofkentct.org>

Wed, Apr 3, 2019 at 2:55 PM

To: Joyce Kearns <adminassist@townofkentct.org>

----- Forwarded message -----

From: D. Randall DiBella <drdibella@crameranderson.com>

Date: Mon, Apr 1, 2019 at 1:37 PM

Subject: HRRRA Ordinance revisions

To: Bruce Adams (firstselectman@townofkentct.org) <firstselectman@townofkentct.org>

Hi Bruce

I have again reviewed the HRRRA submission and Bob Metzler's attempt to dovetail the updated language with our ordinance, which he appears to have ably accomplished.

As I state in June of 2017, HRRRA really revised the scheme so as to incorporate and freshen the local ordinances to be in more in-step with the state legislation as it evolved over the decades. Some highlights:

1. The definitional entries have been sharpened and somewhat broadened to recognized collection sites.
2. Broader and more detailed applicant information is required along with more detailed descriptions of the types of waster a collector will haul
3. All collectors must include recycling collection services in its service contracts.
4. Town must set the annual registration fee by April 30 of each year.
5. HRRRA is the initial designated agent of the Town to process and receive collector applications and reports, collect registration fees and receive notices from collectors concerning unlawful mixing of solid waste.
6. I do suggest a stylistic change so that the ordinance appears supported by underlying policy and reads sequential. I suggest that the "Recitals" I a) THROUGH 1 e) be moved to immediately under the prefatory section of 16-1.

The initial language should be: "Section 16-1 of the Town of Kent Ordinances is repealed and the following is enacted:

"Recitals: etc.

Please let me now should you need an further comment.

Regards

Randy

D. Randall DiBella

Kent Town Attorney

SOLID WASTE AND RECYCLING

I. Recitals

- a. Since the adoption by [*Name of Town or City*] of its current ordinances concerning regulation of the collection and disposal of municipal solid waste and its program for recycling of items of certain solid waste, the State of Connecticut has amended its statutes, regulations and statewide solid waste management plan on numerous occasions and the Housatonic Resources Recovery Authority (“HRRA”) has revised the provisions of its Regional Solid Waste Disposal and Recycling System that serves as the regional solid waste management plan. Participation by [*Name of Town or City*] in HRRA’s Regional Solid Waste Disposal and Recycling System satisfies the requirements of Section 22a-220(a) of the Connecticut General Statutes that [*Name of Town or City*] make provisions for the safe and sanitary disposal of all “acceptable solid wastes,” as defined in the ordinance below, which are generated within its boundaries.
- b. Those amendments by the State of Connecticut and revisions by HRRA have, among other things, increased the statewide goal for reducing the amounts of solid waste disposed of, expanded the list of items designated to be recycled, increased the amounts of materials targeted for recycling in the future in relation to amounts of solid waste to be disposed of, and adopted provisions requiring municipalities to register and collect specific data from all collectors of solid waste and recyclable materials generated within the respective municipalities.
- c. The [*Adopting Body*] of [*Name of Town or City*] has determined that the public health, safety and welfare of the citizens of [*Name of Town or City*] will be best served by the adoption of the following ordinance concerning regulation of the collection and disposal of municipal solid waste and its program for recycling of items of solid waste to reflect the applicable revisions of the State of Connecticut’s statutes, regulations and statewide solid waste management plan.
- d. It is the intention of the [*Adopting Body*] of [*Name of Town or City*] that the provisions of the following ordinance be interpreted in such a manner as to provide to [*Name of Town or City*], to the greatest extent contemplated in Chapter 446d of the Connecticut General Statutes, the means to reduce the amounts of solid waste generated within [*Name of Town or City*] and disposed of as solid waste and to increase the amounts of items of such solid waste recycled in accordance with the statutes and regulations of the State of Connecticut.
- e. It is also the intention of the [*Adopting Body*] of [*Name of Town or City*] that the adoption of the provisions of the following ordinance and the participation of [*Name of Town or City*] as a Member in HRRA’s Regional Solid Waste Disposal and Recycling System, [*Name of Town or City*] demonstrates its progress in planning and program implementation designed to achieve the State of Connecticut’s goals of diverting materials from solid waste disposal.

II. General

The provisions adopted hereby shall apply, effective on and after *[Effective Date]*, notwithstanding any existing provisions of the ordinances of the *[Name of Town or City]* to the contrary notwithstanding, and any such contrary provisions are hereby repealed *[amended?]*. *[It may be advisable to identify specific sections of the existing ordinances to be repealed. It also may, alternatively or in addition, be advisable to insert the following provisions, as and where applicable, as amendments to existing ordinance provisions.]*

III. Registration of Collectors of Solid Waste Generated in *[Name of Town or City]*

- a. As used in this ordinance, “collector” means any person who holds himself out for hire regularly to collect, or who actually collects, solid waste from residential, business, commercial or other establishments, and “person” means any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency or political or administrative subdivision of the State of Connecticut, or other legal entity of any kind. “Collector” does not include: (1) Any person who collects and transports septic tank pumpings, and (2) any person who transports used materials for the purpose of delivering such materials to a charitable organization that distributes reused household items or to a retail facility that sells reused household items.
- b. (1) Any collector hauling solid waste generated by residential, business, commercial or other establishments, including, but not limited to, recyclables generated within the borders of *[Name of Town or City]*, shall register and apply for a permit annually as directed by the *[identify municipal officer to be in charge]* or his or her designee and disclose: (A) The name and address of the collector and the owner of such collection company; (B) the name of any other municipality in which such collector hauls such solid waste, including recyclables; (C) whether the hauling done by such collector is residential, commercial or other; (D) the types of waste hauled; (E) the anticipated location of any disposal facilities or end users receiving recyclable solid waste; and (F) any additional information that such *[identify municipal officer to be in charge]* or his or her designee requires to enhance the health and safety of the residents of *[Name of Town or City]*. No person may act as a collector in *[Name of Town or City]* without maintaining an active permit issued pursuant hereto, and no person may drive a solid waste collection vehicle to collect solid waste in *[Name of Town or City]* without demonstrating that such person has a valid license issued by the State of Connecticut to drive such vehicle. It shall be a condition of such registration and permit that any such collector agrees to comply with (i) all provisions of this ordinance and Chapter 446d of the Connecticut General Statutes applicable to collectors, and all other requirements set forth in the application for such permit,

which agreement to comply shall be contained in all annual registrations and permit applications.

- (2) Any such collector shall report to the [identify municipal officer to be in charge] or his or her designee (A) the types of solid waste, including recyclables, as listed in subsection (c) of section 22a-208c of the Connecticut General Statutes, as it may be amended from time to time, generated within the borders of [Name of Town or City] and collected by such collector, (B) the name, location and contact information for the first destination where such solid waste, including recyclables, was delivered by the collector during the previous fiscal year, and (C) the types and actual or estimated amounts of such solid waste, including recyclables, directly delivered to (i) an out-of-state destination, (ii) an end user or manufacturer in Connecticut, or (iii) any other location in Connecticut not maintaining an active permit as a solid waste facility issued by the Connecticut Department of Energy and Environmental Protection. Such reports shall be submitted to the [identify municipal officer to be in charge] or his or her designee annually, on or before July thirty-first, and shall provide the information specified in this subdivision for the prior fiscal year of the State of Connecticut. Such reports shall be on a form prescribed by the Connecticut Commissioner of Energy and Environmental Protection and shall include any other additional information the commissioner and/or HRRRA deems necessary.
- c. [Municipality should provide here for an annual registration fee to be set by the municipality no later than April 30? each year and, among other things, (1) authorize the imposition of an increase of the fee to an amount twice the disclosed fee if the registration and permit application of the collector is not filed timely in accordance with (b)(1) above, (2) authorize HRRRA to retain the amount of any increase collected as a result of a late filing, and (3) provide for a proration of the registration fee for a new collector applying for a registration and permit for new collection service to be begun after December 31 in any fiscal year.]
- d. Upon the effective date hereof, HRRRA shall be the initial designee of the [identify municipal officer to be in charge] as regional agent to: (i) process and receive the collector registrations and reports set forth in subsections III(b)(1) and (2) above, (ii) collect the fees established in subsection III(c) above, (iii) provide notices to collectors concerning the recycling requirements of [Name of Town or City] as set forth in subsection IV(b) and Section V below, and (iv) receive notices from collectors concerning persons suspected of discarding recyclable items mixed with solid waste.

IV. Designation of the Location for the Disposal of Acceptable Solid Waste and Processing of Recyclables

- a. The place where acceptable solid waste generated within the boundaries of *[Name of Town or City]* by residential, business, commercial or other establishments may *[shall – for Newtown and Ridgefield only]* be disposed is *[for those municipalities other than Newtown and Ridgefield]* the Solid Waste Transfer Station designated by HRRRA and operated under contract as part of its Regional Solid Waste Disposal and Recycling System *[or] [for Newtown and Ridgefield]* the *[Newtown] [Ridgefield]* Transfer Station, located *[give address of applicable transfer station]* operated under contract as part of HRRRA's Regional Solid Waste Disposal and Recycling System. For the purposes of this section "acceptable solid waste" shall mean *[definition to be completed after new agreements are reached for the provision of service after June 30, 2019]*.
- b. The place where curb-side collected items designated for recycling by Connecticut statute, regulation, the Statewide Solid Waste Management Plan (including without limitation the 2016 Comprehensive Materials Management Strategy), or by HRRRA, all as may be amended or updated from time to time, generated within the boundaries of *[Name of Town or City – Not applicable for Ridgefield]* by residential, business, commercial or other establishments may *[shall - for Newtown]* be taken for processing or sale elsewhere is the recyclable materials processing facility operated under contract as part of HRRRA's Regional Solid Waste Disposal and Recycling System. *[Ridgefield may wish to make provision here for treating recyclables in accordance with its own program.]*

V. Recycling

- a. Each person who generates solid waste from residential property shall separate from other solid waste items designated for recycling by Connecticut statutes, regulations or orders of the Commissioner of Energy and Environmental Protection.
- b. Every person who generates solid waste from property other than residential property shall make provision for and cause the separation from other solid waste of such items designated for recycling pursuant to subsection (a) of this section above through the use of one or more collection containers for designated items that are separate from collection containers for other solid waste.
- c. Any collector who has reason to believe that a person from whom he collects solid waste has discarded recyclable items with such solid waste in violation of said subsections (a) or (b) shall promptly notify *[identify municipal officer to be in charge]* or his or her designee of the alleged violation. Upon the request of

[identify municipal officer to be in charge] and his or her designee, a collector shall provide a warning notice, by tag or other means, to any person suspected by the collector or *[identify municipal officer to be in charge]* and his or her designee of violating separation requirements. A collector shall also assist *[identify municipal officer to be in charge]* or his or her designee to identify any person responsible for creating loads containing significant quantities of recyclable items mixed with solid waste which are delivered to a resources recovery facility or solid waste facility by the collector and detected by the owner or operator of such facility.

- d. Recycling Receptacles at Common Gathering Venues – (i) for the purpose of this section, “Generated” means sold or given away at a common gathering venue; and “Common gathering venue” means any area or building located in *[Name of Town or City]*, or portion thereof, that is open to the public, including but not limited to, any (A) building that provides facilities or shelter for public assembly, (B) inn, hotel, motel, sports arena, supermarket, transportation terminal, retail store, restaurant or other commercial establishment that provides services or retails merchandise, of (C) museum, hospital, auditorium, movie theater or university building; (ii) It shall be the responsibility of the owner of each common gathering venue where designated recycling items may be generated while the public congregates at such venue and that provides for the collection of solid waste to provide recycling receptacles for the collection of any designated recyclable items generated at such venue, provided nothing in this section shall be construed to require an owner or operator of such venue, or *[Name of Town or City]*, to provide such recycling receptacles whenever such receptacles are provided by another person pursuant to contract. Such recycling receptacles shall be as accessible to the public and at the same locations as trash receptacles, that is, there must be one recycling receptacle accompanying each trash receptacle.
- e. Collector Contracts with Business Customers - (i) For the purposes of this subsection (e), “customer” means a business (including without limitation a sole proprietorship) and any other establishment or institution, including without limitation any landlord, and any association or company managing a common ownership housing facility or facilities. (ii) Each contract between a collector and a customer for the collection of solid waste shall make provision for the collection of designated recyclable items, either by providing for the collection of designated recyclable items by the same collector who is party to the solid waste contract or by including an identification by the customer of the collector with whom such contract exists. The provisions of this section shall not be construed to require a customer to contract exclusively with one collector for the collection of both designated recyclable items and other solid waste. Each collector shall provide each customer with clear written or pictorial instructions on how to separate designated recyclable items in accordance with the provisions of subsection V(b) above.

- f. **Collectors Required to Offer Recycling Collection** – (i) For the purposes of this subsection (f), “curbside or backyard collection” means the collection of presorted designated recyclable items or solid waste left for such collection by residents and businesses on the property where such residents reside or on the property of such business. (ii) Each collector who offers curbside or backyard collection of solid waste generated by residential properties in [Name of Town or City] shall offer curbside or backyard collection of designated recyclable items to each of such collector’s customers and such curbside or backyard collection of designated recyclable items shall be included in the collector’s charge for solid waste collection. The provisions of this subsection shall not be construed to prohibit any collector from determining and adjusting its fees for combined curbside collection services.
- g. No person shall knowingly combine previously segregated designated recyclable items with other solid waste.

VI. **Enforcement** *(This section may not be necessary for municipalities that already have a system of fines and permit revocations for violations of their existing solid waste ordinances.)*

- a. Any person, including without limitation any collector, found to have: (i) knowingly disposed of acceptable solid waste in violation of subsection IV(a) above; (ii) knowingly disposed of items designated for recycling in violation of subsection IV(b) above; or (iii) violated any of the provisions of the requirements of Sections III or V above, shall be subject to a fine of not more than one thousand dollars for each such violation and to the revocation or suspension of any permit issued pursuant to subsection III(b)(1) above.
- b. Any police officer or other person authorized by [the chief executive officer of the municipality] may issue a citation to any person who commits a violation set forth in subsection VI(a) above.
- c. Any person fined or whose permit has been or may be revoked or suspended pursuant to this Section may request and shall be granted a hearing on the matter, provided that such request must be made, after notice to such person, and the hearing shall be conducted, in accordance with the provisions of Section 7-152c of the Connecticut General Statutes.



3.C

Joyce Kearns <adminassist@townofkentct.org>

Fwd: Recycling Ordinance - deadline Dec 2018

1 message

Bruce Adams <firstselectman@townofkentct.org>
 To: Joyce Kearns <adminassist@townofkentct.org>

Wed, Oct 3, 2018 at 3:41 PM

----- Forwarded message -----

From: <jen@hrra.org>

Date: Wed, Sep 26, 2018 at 10:56 AM

Subject: Recycling Ordinance - deadline Dec 2018

To: Brian Sullivan <briansullivan1211@gmail.com>, Bruce Adams <firstselectman@townofkentct.org>, Curtis Read <CRead@bridgewaterhall.org>, <dan.rosenthal@newtown-ct.gov>, Dolores Schiesel <dschiesel@yahoo.com>, Don Lowe <dlowe@townofshermanct.org>, Fred Hurley <fred.hurley@newtown-ct.gov>, Herb Rosenthal <HCRosenthal@aol.com>, Jeff Hansen <jhansen@townofreddingct.org>, Joel Urice <jurice@comcast.net>, Julia Pemberton <jpemberton@townofreddingct.org>, Kim Hanson <KHanson@newfairfield.org>, Mark Boughton <m.boughton@danbury-ct.gov>, Matt Knickerbocker <knickerbockerm@bethel-ct.gov>, Maureen Kozlark <maureenkozlark@gmail.com>, Pat DelMonaco <pdelmonaco@newfairfield.org>, <pbass@newmilford.org>, Rudolph Marconi <Selectman@ridgefieldct.org>, Ruth Byrnes <rbyrnes@townofshermanct.org>, Sheldon Conn <sconn@brookfieldct.gov>, <sjstrait94@gmail.com>, <slchapman3@gmail.com>, Steve Dunn <SDunn@brookfieldct.gov>, Suzanne Von Holt <SVonHolt@newmilford.org>

HRRR CEO's Member and Alternate,

As discussed at Monday's meeting, here is a copy of the sample recycling ordinance that HRRR Legal Counsel provided for your use. As also mentioned at the meeting, per CT DEEP, your recycling ordinance should be updated no later than December 2018.

Jen

Jennifer A. Heaton-Jones

Executive Director

Housatonic Resources Recovery Authority

162 Whisconier Road - Old Town Hall

Brookfield, CT 06804

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TOWN CLERK

1/30/2019

Town of Kent CT Mail - Fwd: Recycling Ordinance - deadline Dec 2018

Bruce K. Adams
First Selectman
Town of Kent, CT
860-927-4627

 **Model_Solid_Waste_Ordinance - March 2017 Draft.DOCX**
33K