

**Board of Selectmen
Regular Meeting**

**March 10, 2020
6:30 P.M.**

Present: Jean Speck, Chris Garrity and Ed Matson.

Also, present: Henry Bietz, Darlene Brady, Mitch Cohen, Tony DiPentima, Eric Epstein, Lesly Ferris, Alan Gawel, John Grant, Donna Hayes, Barbara Herbst, Tim Limbos, Rick Osborne, Elissa Potts, Leah Pullaro, Art Romano and Lynn Worthington.

Ms. Speck called the meeting to order at 6:33 p.m.

- **Ms. Speck made a motion to move item 9.c. Cell Tower to the top of the agenda. Mr. Garrity seconded the motion and the motion carried.**

Approval of Minutes:

Ms. Speck made a motion to approve the following Board of Selectmen minutes:

- **February 4, 2020 Special Meeting**
- **February 11, 2020 Regular Meeting**
- **February 14, 2020 Special Meeting**
- **February 18, 2020 Special Meeting**
- **February 25, 2020 Special Meeting**

Mr. Matson seconded the motion and the motion carried.

Public Communication:

Written:

- **March 10, 2020 Email from Todd Powell**
- **Letter from a group of citizens**

Oral:

- **Lynn Worthington asked if the Selectmen's newsletter is still going to be sent out? Ms. Speck confirmed, yes.**
- **Mr. Gawel asked the Board of Selectmen to obtain an opinion form CIRMA regarding Fire and EMS staff being paid workman's compensation if they need to take time off from coming into contact with someone who tests positive with the Corona Virus.**

Cell Tower:

Ms. Speck reported the following:

- **Siting Council received an application from Homeland Towers one week ago.**
- **The Board of Selectmen made a motion a couple of months to request "party status"**
- **The Board of Selectmen made the following motion at the 5:30 Special BOS meeting**
 - **To authorize Town Attorney to proceed as discussed in Executive Session.**
- **The Council requests submission of comments by April 1, 2020**
- **Group of citizens who have hired an engineer.**

Mr. Garrity made a motion to keep item 9.c. Cell Towers open. Ms. Speck seconded the motion and the motion carried.

RECEIVED FOR RECORD
KENT TOWN CLERK
2020 MAR 17 A 9 27
BY *D. Brady*
TOWN CLERK

Mr. Garrity made a motion to keep item 9.c. Cell Towers open. Ms. Speck seconded the motion and the motion carried.

Selectman's Report:

Ms. Speck reported the following:

- Met with Todd Powell
- Received a letter from Mitch Cohen – request to talk to BOS

Cell Towers:

Mr. Garrity noted that the balloons were floated in Kent Hollow and Lake Waramaug.

Mr. Gawel, Communication Officer of KVFD stated:

- Reached out to the “group” and they made it clear their priority is to help KVFD and EMS to have appropriate communication without huge towers
- KVFD's priority is protecting the ridgeline of Kent.
- Actively reached out to start moving forward.
- Reached out to LCD.

Mr. Cohen stated:

- Group in favor of communication solutions for KVFD and ambulance.
- Group is vehemently opposed to large towers.
- Group prepared to fund or assist in fund raising fire department and emergency services to improve communication without large towers.
- Group has hired an engineer.
- Separate emergency services' need from Internet service
- Would like the Town to partner with group against these towers
- Looking for solution other than invasion of ridgeline.
- Engineer looking at various locations:
 - His property with a tower, much lower tower, 80-90 feet same geography as large tower better on Rt. 341 – not spoken to neighbor yet
- Group would partner with homeland if they would slow down and consider smaller towers and alternative sites

Report of Selectmen:

Mr. Garrity had nothing to report.

Mr. Matson had nothing to report.

Report of the Treasurer:

Mrs. Herbst provided a written report, attached.

Ms. Speck made a motion to add the following three vendors to the Approved Vendor List:

- Viking Cives
- Crew Design Inc.

- Old Stone Supply

Mr. Garrity seconded the motion and the motion carried.

Tax Refunds:

Mr. Matson made a motion to approve the following tax refund:

- Buzbaum, Phillip P 3rd \$44.82

Ms. Speck seconded the motion and the motion carried.

KVFD Abatement List:

The Fire President was not present and did not provide the abatement list.

EMS Staffing:

Ambulance Chief Mary Ann VanValkenburg presented a two-page handout, attached. Mrs. VanValkenburg stated that the KVFD EMS staff would need to be supplemented by a paid service. Mr. Garrity asked for a dollar amount and timeline by Friday, March 13, 2020.

Selectman's Report:

Ms. Speck continued her report as follows:

- Covid-19, changing by the minute
 - Met last week with the four schools, ems and law enforcement to discuss spring break, limiting travel and supplies on hand
 - Putting together a unified command
 - No one should panic
 - Wash hands
 - Town Hall will be deep cleaned this weekend
 - Signage will be displayed
 - If employees feel sick, they should stay home
 - Emergency Management will attend weekly meeting and report back to First Selectman
 - COOP – Continuity of Operation Plan
 - Remote work plan – don't have one, need to create one
 - Video conference all meetings – need to set-up

Appointment:

Ms. Speck made a motion to appoint David Birnbaum as a Planning and Zoning alternate position with a term date of 1/1/30/2021. Mr. Garrity seconded the motion and the motion carried.

Highway Employee:

Mr. Matson made a motion to increase Kevin Hill's hourly rate by \$0.50, making his rate the full CDL Maintainer rate, effective the next pay period. Ms. Speck seconded the motion and the motion carried.

Engineer:

Mr. Osborne advised the Board of Selectmen that there should be an RFP for an on-call engineer for the Town. The Board of Selectmen agreed that after budget season an on-call Town engineer should be drafted.

2020 Legislative Session:

Ms. Speck provided the Board of Selectmen a copy of the bills she is tracking during this legislative session.

Women's History Month:

Ms. Speck asked the Board of Selectmen's opinion on honoring the Town of Kent's first female First Selectman, Maureen Brady, during Women's History month by dedicating the second floor meeting room, which used to be her office, to her? Ms. Speck made a motion to dedicate the second floor meeting room in honor of Maureen Brady. Mr. Matson seconded the motion and the motion carried.

Sewer Ordinance:

Mr. Garrity made a motion to approve the Sewer Ordinance, as submitted. Ms. Speck seconded the motion and the motion carried.

Fire Marshal:

Ms. Speck stated that at the February 11, 2020 Board of Selectmen's meeting an incomplete motion was made regarding the Fire Marshal. Ms. Speck made a motion to change the Fire Marshal and Fire Deputies from independent contractors receiving 1099's to Town of Kent employees receiving W-4's and covered under the Town of Kent's workman's compensation policy, effective immediately. Mr. Garrity seconded the motion and the motion carried.

Budget:

The Board of Selectmen discussed the following budget items:

- 7-10% pension increase, pending additional information from COG
- \$1,000 additional grant money for the Cemetery Association – to cover cost of mowing
- Land Use Administrators salary request – confirmed last year the full amount as not granted due to high percentage of increase
- Tax Collector salary increase – nothing to reflect under paid
- Assessor salary request – nothing to reflect under paid
- Social Services Assistant additional four hours per week – Social Services needs to be mindful of the increase and be prepared to document
- Park and Rec Director – 3% salary increase – respectfully denied
- Ms. Speck requested an additional \$2,500 for cyber security test on technology
- Mr. Garrity suggested that could be taken from contingency

Ms. Pullaro asked if the Board of Selectmen planned on discussing the plan for the two departments involved in planning activities the senior center. Mr. Garrity stated that the

Senior Center activities are going to be overseen by the Social Services Assistant and Park and Rec should work with them. He added that Social Services should track the activities but not do double duty.

Five-Year Capital:

Mr. Garrity stated the Five-Year Capital should go to the Board of Finance as is; there is no way around bridges and roads. Ms. Speck confirmed she would present to the Board of Finance.

Fire president presented the KVFD Abatement list.

Streetscape:

Ms. Speck sent emails to the prior sub-committee members and is awaiting responses.

KVFD Finance Review Committee:

KVFD has requested this sub-committee remain active and meet again in the near future.

Policy and Procedure Manual:

Nothing new to report.

Ms. Speck made a motion to adjourn the meeting at 9:22 p.m.


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.

BOARD OF SELECTMEN AGENDA

6:30 P.M. TOWN HALL

Regular Meeting

March 10, 2020

1. **Call to order**
2. **Approval of Minutes**
 - a. February 4, 2020 Special meeting
 - b. February 11, 2020 Regular meeting
 - c. February 14, 2020 Special meeting
 - d. February 18, 2020 Special meeting
 - e. February 25, 2020 Special meeting
3. **Public Communication**
 - a. Oral:
 - b. Written:
4. **Report of First Selectman**
5. **Report of Selectmen**
6. **Report of Treasurer**
7. **Tax Refunds**
8. **New Business**
 - a. KVFD Abatement List
 - b. EMS Staffing
 - c. Appoint – P&Z Alternate
 - d. Highway employee
 - e. Engineer
 - f. 2020 Legislative Session – tracked bills reviewed
 - g. Women's History Month
9. **Old Business**
 - a. Sewer Ordinance
 - b. Fire Marshal
 - c. Cell Tower
 - d. Budget
 - e. Five-Year Capital Plan
 - f. Streetscape
 - g. KVFD Finance Review Committee
 - h. Policy and Procedure Manual

RECEIVED FOR RECORD
KENT TOWN CLERK

2020 MAR -9 A 8:37

BY *Debra Gray*
TOWN CLERK

"An equal opportunity employer and service provider."



Joyce Kearns <adminassist@townofkentct.org>

RE: Letter to BOS

1 message

Jean C. Speck <firstselectman@townofkentct.org>

Tue, Mar 10, 2020 at 12:15 PM

To: Robert Powell <powellrt@gmail.com>

Cc: Hiram Williams Jr <hiramwilliams@mac.com>, jim millstein <jim.millstein@gmail.com>, Mitch Cohn <mdcohn22@gmail.com>, Matt Sippel <msippel@induscap.com>, Don Chierici <chierici@blitzercap.com>, Eric Donnenfeld <ericdonnenfeld@gmail.com>, john.pezzulo@baesystems.com, Kristin Richards <kristinrichards@mac.com>, Richard Chizzonite <rchizzonite@gmail.com>, Joseph Yasgur <jyasgur@realtgroupnorth.com>, David Horing <dhoring@american-securities.com>, Claire Irving <chirving@gmail.com>, William Seitz <seitzwb@aol.com>, Joy Brown <joy@joybrownstudio.com>, Hylton Wener <Hylton@kencamp.com>, Bruce Schnitzer <bschnitzer@wandpartners.com>, Tony DiPentima <afd@litchlaw.com>, Melissa Holcombe <Melissa.holcombe@gmail.com>, Joyce Kearns <adminassist@townofkentct.org>

Hi Todd,
Thanks for reaching out. We'll add your letter to be read into the minutes this evening.

Thank you,

Jean

Jean Conlon Speck
First Selectman
Town of Kent

visit our website: www.townofkentct.org

-----Original Message-----

From: Robert Powell [mailto:powellrt@gmail.com]

Sent: Tuesday, March 10, 2020 11:57 AM

To: Jean Speck

Cc: Hiram Williams Jr; jim millstein; Mitch Cohn; Matt Sippel; Don Chierici; Eric Donnenfeld; john.pezzulo@baesystems.com; Kristin Richards; Richard Chizzonite; Joseph Yasgur; David Horing; Claire Irving; William Seitz; Joy Brown; Hylton Wener; Bruce Schnitzer; Tony DiPentima; Melissa Holcombe
Subject: Letter to BOS

Jean,

As discussed, ahead of the BOS meeting later today, attached is a letter voicing continued opposition to the proposed Cell Tower sites from the immediately affected neighborhood and a request to work collaboratively with the Town to find a better solution to first responder and other

3/10/2020

Town of Kent CT Mail - RE: Letter to BOS

communication needs. As mentioned, I cannot be there in person tonight, but can be available to discuss working with the Town at the Board's convenience.

Best,

Todd

March 10, 2020

Board of Selectmen
Town of Kent
Town Hall
41 Kent Green Blvd.
Kent, CT 06757

Re: ATT/Homeland Tower's filing with the Connecticut Siting Council ("Filing")

Dear Members of the Board:

I understand the proposed cell towers on Bald Hill Road and Richards Road will be discussed at the BOS meeting on Tuesday, March 10, 2020.

I am providing this letter to register widespread continuing opposition of the neighboring communities to these sites.

The Filing states that the proposed towers will provide ATT Cell Service to South Spectacle Lake, North Spectacle Lake, Bald Hill Road, South Road, Richards Road, Stonefence Lane, Route 341 and the neighboring residential and business/retail areas near the proposed facility.

A large group of people who live in these areas proposed to be served by the towers have spoken up and do not want the towers.

The neighborhood associations for South Spectacle Lake, North Spectacle Lake and Stonefences Lane do not want the towers. The residents of Bald Hill Road, Richards Road, Spectacle Ridge Road, Oak Ridge and the top of Treasure Hill Road do not want the towers. I have been contacted by people who live on South Road who do not want the towers.

There is no business or retail area served by the towers. The only substantial business in the area is Camp KenMont/KenWood. The Camp does not want the towers.

The photographs of the "balloon float" were taken from locations chosen to misrepresent the visual impact of the towers. There were no photographs taken from the lake surfaces of the Spectacle Lakes or surrounding homes that are severely impacted by the proposed towers.

While there would be a public safety benefit from the towers, this need can be met by "whip" radio antennae towers that make so faint a visual impression they almost disappear.

It is hard to envision tower sites that would be worse than the two that are proposed. The sites are a direct attack on the years of time, effort and investment that have gone into protecting the ridgelines. This perspective is supported by numerous local and regional stewardship organizations that wrote to the Town voicing concerns about these sites and the Town's own Conservation Commission.

The group we have formed to oppose the tower sites would like the Town to join us in opposition and work collaboratively with us to find a better solution for all of the residents of Kent. We have hired attorneys and engineers that are experts in tower siting disputes and we would be glad to share the work we have done so far to expedite your efforts.

Best,

Todd Powell
49 Spectacle Ridge Road

Treasurer Report for BoS meeting 3.10.20

1. Treasurer Office Activities February:

- a. Board of Selectmen Meeting 2.11.20
- b. Board of Finance Meeting 2.18.20
- c. Meetings with KAH regarding the CDBG grant on 2/7 and again on 2.21.22
- d. Multiple updates and different scenario calculations to FY '21 Proposed Budget
- e. Issued **99** *accounts payable* checks.
- f. Issued **123** *payroll and payroll liability* checks.
- g. Recorded **64** *transactions initiated by BoE.*
- h. Recorded **11** *deposits* totaling **\$1,717,734**

2. Actual vs Budget

Revenue

Revenue is strong, 88.3% has been collected as of 2.29.2020

Tax collection, interest and fees = 91.8% of all revenue to date.

Followed by ***Transfer Station Income*** at .8%

Cell Tower rental and ***Interest on Investments*** are each at .5% of total revenue to date.

Expense

Expenses are on track with budgeted amounts.

All departments remain well within their budgeted appropriations.

On the reverse is a summary actual vs budget through 2.29.2020

Treasurer Report for BoS meeting 3.10.20

	Jul '19 - Feb 20	Budget	Variance	% of Budget
Total Income	11,359,310.10	12,870,032.00	-1,510,721.90	88.26%
Expense				
A • General Government	995,360.86	1,340,391.00	-345,030.14	74.26%
B • Public Safety	51,279.05	262,395.00	-211,115.95	19.54%
C • Public Works	977,602.42	1,787,432.00	-809,829.58	54.69%
D • Health and Welfare	79,702.49	118,709.00	-39,006.51	67.14%
E • Recreation	123,868.38	192,156.00	-68,287.62	64.46%
F • Sanitation	76,909.66	136,695.00	-59,785.34	56.26%
G • Board of Education	4,712,202.51	7,207,438.00	-2,495,235.49	65.38%
H • Debt Service	411,562.50	450,469.00	-38,906.50	91.36%
I • Transfer to Capital	831,847.00	831,847.00	0.00	100.0%
J • Transfer to Dog Fund	7,500.00	7,500.00	0.00	100.0%
K • Current Year Capital Projects	535,000.00	535,000.00	0.00	100.0%
Total Expense	8,802,834.87	12,870,032.00	-4,067,197.13	68.4%

<u>Vendor Name</u>	<u>Vendor Type</u>	<u>Department</u>	<u>Invoice Date</u>	<u>Dept Approval</u>	<u>Invoice Amount</u>
1 Viking Clives	Retailer	DPW	01/28/2020	2/7/2020	675.47
2 Crew Design Inc.	Retailer	Town Hall		2/28/2020	151.00
3 Old Stone Supply	Services	DPW	10/20/2019	3/5/2020	455.00
4					
5					
6					
7					
8					
9					

The vendors and invoices listed above have been reviewed and approved by a majority of the Board of Selectmen. Pursuant to said approval they have been added to the existing *Approved Vendor List* for FY 2019-2020

Approved at the Special Selectmen's meeting held on:
see minutes

3/10/2020

Detail of service or material provided by new vendor

- 1 Proline chain main conv, u joint for crank handle
- 2 poster mounting
- 3 repairing concrete culvert
- 4
- 5
- 6
- 7
- 8
- 9

Annually, on the anniversary of the Fiscal Year, the vendor list is pared down to only Vendors utilized during the last FY.

A list is compiled and submitted to the Board of Selectmen for acceptance and in due course, becomes the "Approved Vendor List" for the current Fiscal Year.

Any vendors that are presented for payment that are not on the annual approved list are submitted to the next Board of Selectmen's meeting for approval and subsequently are added to the Fiscal Year "Approved Vendor List".

This activity is undertaken each Fiscal Year.

KENT VOLUNTEER FIRE DEPARTMENT

EMS Staffing Committee Brief

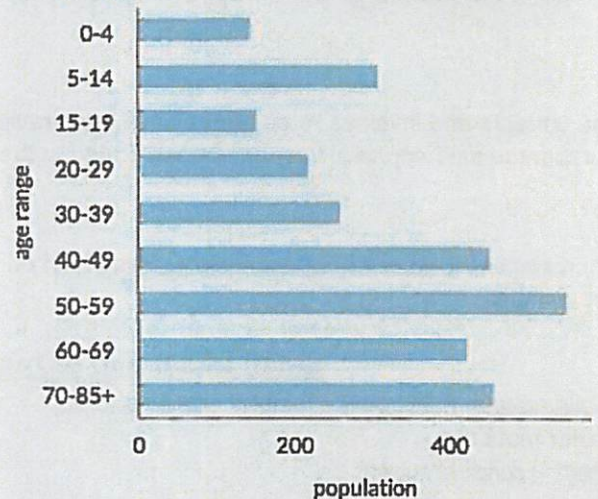


KVFD has a long tradition of providing EMS to the Town of Kent, and adequate staffing of the ambulance has been a priority conversation of the leadership over the last 17 years.

EMS is a critical service to the town, and we must ensure we are prepared to respond. It's not about covering one call at a time, it's about guaranteeing there is adequate staff to respond 24/7/365.

EMS staffing is inherently 'fragile' - the complexity of increased training costs, an aging population and decreased healthcare reimbursement, with State/Federal statutory requirements and fiscal responsibility is increasingly a delicate balance.

There is a correlation between increasing age and increased use of 911 EMS. In the 2010 Census, 21% of Kent's population was 65 and older. The projection for the 2020 Census is 38%.



source: <https://data.kent.gov/dataset/Health-Information-System-Reporting/Population-Statistics>

KVFD EMS PERSONNEL AND STATISTICS

of certified EMRs and EMTs

26

average years of service

16.2

average age of EMS responders

47.6

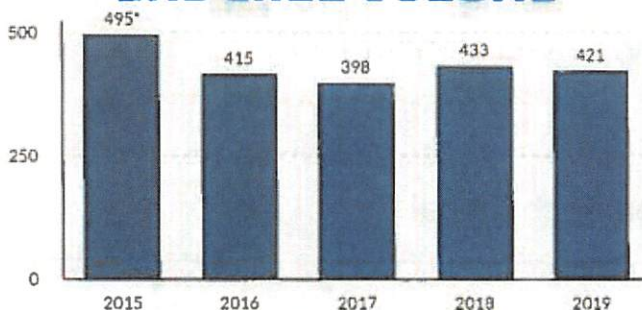
2019 EMS requests for service

427

% OF VOLUME BY DAY OF WEEK



5 YEARS OF EMS CALL VOLUME



*The Kent closed in September 2015

26 CERTIFIED EMS PROVIDERS



how does "coverage" work?

$$\begin{array}{l} 28 \text{ six-hour shifts} \\ \text{each week.} \end{array} \times \begin{array}{l} 2\text{-person crews} \\ \text{per shift.} \end{array} = \begin{array}{l} 56 \text{ "people"} \\ \text{shifts each} \\ \text{week.} \end{array} = \begin{array}{l} 224 \\ \text{"people" shifts} \\ \text{each month.} \end{array}$$

Based on the month of November 2019



21^{all} TOWNS
IN THE NORTHWEST HILLS
COG.
18^{are} EMS SYSTEMS.

72%
CHARGE FOR EMS.

83%
EITHER HIRE OR PROVIDE
A COMPENSATED
INCENTIVE.



TOWN OF KENT
LAND USE OFFICE
PLANNING & ZONING COMMISSION

MEMORANDUM

February 21, 2020

To: Board of Selectmen

Fr: Donna M. Hayes, Land Use Administrator

Re: Appointment of David Birnbaum to Alternate Position

With the recent elevation of Adam Manes to member of the Planning and Zoning Commission, the Commission voted to recommend to the Board of Selectmen the appointment of David Birnbaum to the alternate position vacated by Mr. Manes. He will fulfill Mr. Manes' term which expires 11/30/2021.

Thank you.

1st Selectman's 2020 Legislative Session Bill Watch List

<u>HB-5044</u>	AN ACT CONCERNING IMMUNIZATIONS. To protect the public health by ensuring adequate and appropriate immunizations of children.
<u>HB-5054</u>	AN ACT CONCERNING LIABILITY OF A POLITICAL SUBDIVISION AND ITS EMPLOYEES, OFFICERS AND AGENTS. To clarify the meaning of "all the relevant circumstances" as used in subdivision (B) of subsection (b) of section 52-557n of the general statutes.
<u>HB-5132</u>	AN ACT CONCERNING THE REORGANIZATION OF THE ZONING ENABLING ACT AND THE PROMOTION OF MUNICIPAL COMPLIANCE. To (1) restructure the Zoning Enabling Act for clarity, (2) promote the purposes of the federal Fair Housing Act, (3) provide an administrative mechanism to promote compliance with municipal affordable housing plans, and (4) require the Secretary of the Office of Policy and Management to convene a working group to study municipal affordable housing plans and zoning regulations.
<u>HB-5175/</u> <u>SB 1</u>	AN ACT CONCERNING DIABETES AND HIGH DEDUCTIBLE HEALTH PLANS. To: (1) Expand required health insurance coverage for prescription drugs, equipment and supplies used to treat diabetes; (2) restrict cost-sharing for such drugs, equipment and supplies; (3) require licensed pharmacists to dispense such drugs, equipment and supplies without a prescription in certain circumstances; (4) require the Commissioner of Social Services to study and report regarding the feasibility of implementing a low-income diabetes assistance fund; and (5) make changes to various provisions of the general statutes concerning high deductible health plans to more closely conform to provisions of the Internal Revenue Code concerning health savings accounts and medical savings accounts.
<u>HB-5215</u>	AN ACT CONCERNING THE INCLUSION OF CLIMATE CHANGE INSTRUCTION IN THE PUBLIC SCHOOL CURRICULUM. To include climate change instruction in the public school curriculum of the state.
<u>HB-5303</u>	AN ACT CONCERNING TRAINING FOR CERTAIN PLANNING AND ZONING OFFICIALS. To allow municipalities to require training for members of planning commissions, zoning commissions, combined planning and zoning commissions and zoning boards of appeals.
<u>HB-5324</u>	AN ACT CONCERNING PEDESTRIAN SAFETY AT CROSSWALKS, SPEED LIMITS IN MUNICIPALITIES, FINES AND CHARGES FOR CERTAIN VIOLATIONS AND THE GREENWAYS COMMEMORATIVE ACCOUNT. To (1) require motorists to grant the right-of-way to pedestrians who affirmatively indicate their intention to cross the road in a crosswalk (2) allow local traffic authorities to establish lower speed limits on streets under their jurisdiction by holding a public hearing regarding such speed limits and providing notification of such speed limits to the Office of the State Traffic Administration; (3) increase the fine for operating a motor vehicle while using a hand-held mobile telephone or electronic device; (4) increase the additional fee provided to municipalities for certain traffic violations; (5) establish a fine for opening the door of a motor vehicle in a way that impedes the travel of a pedestrian or a person riding a bicycle; and (6) establish the greenways commemorative account.
<u>HB-5340</u>	AN ACT CONCERNING THE MODERNIZATION OF THE CONNECTICUT BOTTLE REDEMPTION PROGRAM. To modernize the functioning of the Connecticut Bottle Bill by expanding its coverage and increasing certain fees paid pursuant to the bottle redemption program.
<u>SB-11</u>	AN ACT CONCERNING THE RELIABILITY, SUSTAINABILITY AND ECONOMIC VITALITY OF THE STATE'S WASTE MANAGEMENT SYSTEM. To implement the Governor's budget recommendations.
<u>SB-16</u>	AN ACT CONCERNING THE ADULT USE OF CANNABIS. To implement the Governor's budget recommendations.
<u>SB-129</u>	AN ACT REQUIRING THE DEPARTMENT OF TRANSPORTATION TO DIRECT BUDGETARY RESOURCES TO LITCHFIELD COUNTY FOR THE PURPOSE OF INCREASING THE AVAILABILITY OF MASS TRANSIT OPTIONS. To require the Department of Transportation to use existing budgetary resources to increase the availability of mass transit options to residents of Litchfield County.
<u>SB-231</u>	AN ACT CONCERNING WORKERS' COMPENSATION BENEFITS FOR CERTAIN MENTAL OR EMOTIONAL IMPAIRMENTS SUFFERED BY EMERGENCY MEDICAL SERVICES PERSONNEL, DEPARTMENT OF CORRECTION EMPLOYEES AND DISPATCHERS. To extend workers' compensation benefits for certain mental or emotional impairments to emergency medical services personnel, Department of Correction employees and dispatchers.
<u>SB-299</u>	AN ACT CONCERNING THE DISTRIBUTION OF SINGLE-USE PLASTIC STRAWS. To curtail the automatic distribution of single-use plastic straws in the state at certain locations.
<u>SB-354</u>	AN ACT ESTABLISHING A GREEN NEW DEAL FOR CONNECTICUT. To create jobs and transition the state to a clean, renewable energy economy.

Be and it is hereby Ordained that Chapter 15 of the Code of Ordinances is repealed and the following is adopted as Chapter 15 in lieu thereof:

CHAPTER 15 SEWERS AND SEWAGE DISPOSAL

Secs. 15-1 - 15-3. Reserved

Sec. 15-4. Establishment of Sewer Commission

(a) The Town of Kent hereby establishes and creates a Commission to be known as "The Sewer Commission of the Town of Kent." The Sewer Commission shall serve as the water pollution control authority of the Town of Kent and shall have all powers and duties of a water pollution control authority as provided in Sections 7-245 through 7-273a, inclusive, of the Connecticut General Statutes, as amended, and such other powers and duties as are prescribed by this Chapter.

(b) Said Commission shall consist of six members and two alternates who shall be electors of the Town and who shall serve without compensation. On or before December 1, 1967, the selectmen shall appoint six members of said Commission, two to hold office until the next biennial election, two to hold office until the second biennial election after such date, and two to hold office until the third biennial election after such date. At each subsequent biennial election there shall be elected two members of said commission to hold office for six years from the date of their election. The initial appointments of alternates shall be made by the Board of Selectmen. One such alternate shall have a term that expires on November 3, 2015. Thereafter, each alternate shall be elected for a term of two years.

(c) The Sewer Commission shall choose one of its members to be Chairman and shall appoint a Clerk, who need not be a member of the Commission, and such agents and employees as it may require and determine their qualifications, duties and compensation. At all meetings of the Commission, three members shall constitute a quorum, and the concurrence of three votes shall be necessary for the transaction of business. The Commission may hold such regular and special meetings as it deems advisable in conformance with the notice, minutes and other requirements of the Connecticut Freedom of Information Act, Section 1-200 et seq. of the Connecticut General Statutes, as amended.

(d) Alternates may participate fully in all meetings of the Commission, except that only seated alternates may vote on a particular matter. In the event of a vacancy, absence or disqualification of a member, the Chairman or other presiding officer shall seat and designate an alternate to vote at the meeting or with respect to the particular item. Only when seated shall alternates be counted for purposes of establishing a quorum.

(e) Vacancies: Subject to the provisions of Conn. Gen. Stat., Section 9-221, any vacancy occurring in the membership of the Commission or in the alternates shall be filled by

appointment by the Board of Selectmen until the next town election. At such election, the vacancy shall be filled for the remaining unexpired portion of the term of such vacancy.

(f) Pursuant to and in accordance with the requirements of Sections 7-245 through 7-273a, inclusive, of the Connecticut General Statutes, as amended, the Commission shall have authority in the name and on behalf of the Town, to acquire, construct and operate a sewerage system or systems; to enter upon, take and hold by purchase, condemnation or otherwise the whole or any part of any real property or interest therein which it determines is necessary or desirable for use in connection with any sewerage system; to levy benefit assessments upon the lands and buildings in the Town that have been especially benefitted by any sewerage system or any portion thereof and upon the owners of such land and buildings; to establish and revise rules and regulations for the supervision, management, control and operation and use of the sewerage system, including rules and regulations prohibiting the discharge into the sewerage system of any sewage or any stormwater runoff which, in the opinion of the Commission, will adversely affect any part or any process of the sewerage system; to establish and revise fair and reasonable charges for connection to and for the use of the sewerage system; to enter into and to fulfill contracts with any person for any lawful services; and through its Chairman, and subject to proper authorization and appropriation of funds by the Town as necessary, to execute and file applications and agreements for state and federal grants and loans in aid of the sewerage system or any improvement or expansion thereof.

Sec. 15-5. Repealed

Sec. 15-6. Repealed

Sec. 15-7. Connection to the Public Sewer

a. In accordance with Section 7-256 of the Connecticut General Statutes, the Sewer Commission may order the owner of any building to which the public sewerage system is available to connect such building to the sewerage system.

b. No person shall construct or repair any sewage disposal facility, including septic system, privy, privy vault, septic tank, cesspool or other facility intended for the disposal of sewage if the public sewers are available. Public sewers are available, however, only when the Sewer Commission has determined that the public sewer system and existing sewage treatment capacity is capable of conveying and adequately treating the sewage to be discharged.

Sec. 15-8. Permit Requirements - Building Sewers and Connections

(a) No person shall uncover, make any connection with or opening into, use, alter, repair, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Sewer Commission.

(b) No person shall increase the volume of sewage, change the sewage discharge use category or change the character of pollutants discharged to the public sewer system without first obtaining a written permit from the Sewer Commission.

(c) All sewer connections, including the construction of all facilities necessary to such connection, and all sewer discharges shall comply with the administrative and technical rules and regulations adopted from time to time by the Sewer Commission.

(d) Sewer connection, use or discharge permits issued by the Sewer Commission may be revoked by the Sewer Commission following notice and right to be heard for any of the following reasons: nonpayment of application fees, assessments or charges; failure to comply with the conditions or technical requirements of the applicable sewer permit; failure to comply with the discharge requirements established by the Sewer Commission or with the requirements of the Commission's rules and regulations; and lapse or termination of any applicable DEEP discharge permit held by or issued to the property owner. Upon revocation of any such municipal permit, the Sewer Commission may take such steps as are necessary to discontinue and terminate sewer service.

(e) All costs and expenses incidental to the installation and connection of the building to the public sewer shall be borne by the owner or, if not the owner, the applicant for sewer service. The owner and/or applicant shall indemnify the Commission from any direct or indirect loss or damage that may be sustained by reason of the installation of the building sewer.

(f) A separate and independent building sewer shall be required for every building. Notwithstanding such requirement, where one building stands at the rear of another on an interior lot and no separate building sewer can be constructed from the rear building to the public sewer through an easement, adjoining alley, courtyard, or driveway, the Sewer Commission may permit the building sewer that provides service for the building which fronts on the public sewer to be extended to the rear building and the whole considered as one building sewer, subject to the payment of the applicable sewer connection and use charges for each separate building. The Commission shall not be liable for any damage caused by or resulting from any such connection.

(g) Existing building sewers may be used in connection with new buildings only when they are found, on examination and testing to meet all requirements for building sewers as established by the Sewer Commission or as contained in the rules and regulations adopted by the Commission.

Sec. 15-9. Connection and Discharge of Surface Runoff and Unpolluted Waters Prohibited

No person(s) shall discharge or cause to be discharged to the public sewer any stormwater, groundwater, roof runoff, subsurface drainage or cooling water nor make any connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer drain which is connected directly or indirectly to the public sewer.

Sec. 15-10. Protection from Damage

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any sewer line, manhole, structure, appurtenance, or equipment which is a part of the sewage collection system or the water pollution control facility.

Sec. 15-11. Powers and Authority of Inspectors

(a) All duly authorized agents and employees of the Sewer Commission bearing proper credentials and identification shall be permitted to enter any property served or to be served by the public sewer system for the purposes of inspection, observation, measurement, sampling, and testing.

(b) While performing the work in or upon private property as contemplated in Section 15-11(a) above, such agents or employees shall observe all safety rules applicable to the premises established by the owner or occupant. The owner and occupant shall be held harmless for injury or death to the Commission's agents and employees and the Commission shall indemnify such owner and occupant against loss or damage to its property by Commission agents and employees and against liability claims and demands for personal injury or property damage asserted against such owner or occupant by reason of the activities of the Commission's agents and employees, except as such may be caused by negligence or failure of the owner or occupant and their respective agents, servants, employees to maintain the premises in reasonably safe condition for visitors and invitees.

c. Duly authorized employees or agents of the Sewer Commission bearing proper credentials and identification shall have the right to enter any private property encumbered by a sewer easement held by the Town or by the Commission for any proper sewer purpose within the scope of such easement.

Sec. 15-12. Penalties and Enforcement

Any person who violates, and any property owner whose property gives rise to a violation of, any provision of this Chapter, or any requirement of any sewer connection or sewer discharge permit, or sewer use rule or regulation adopted by the Sewer Commission shall be subject to a fine of \$250.00 for each day that such violation continues; and shall also be subject to any and all civil remedies, including temporary and permanent injunction, that may be available to the Commission or the Town to abate such violation. In addition, and without limitation, the Sewer Commission shall have all powers set forth in Section 15-8(d) concerning the revocation of the applicable sewer permits and the termination of sewer service.

Sec. 15-13. Repealed

Sec. 15-14. Ordinance in Force

This Chapter shall be in full force and effect from and after its passage, approval, recording and publication as provided by law. Any ordinance that is in conflict with this Chapter is hereby repealed. The invalidity of any section, clause, sentence, or provision of this Chapter shall not affect the validity of any other part of this Chapter which can be given effect without such invalid part or parts.

Sec. 15-15. Repealed