

**TOWN OF KENT  
TOWN BOARD MEETING  
Tuesday, February 4, 2020**

**Workshop** – 7:00 p.m.

1. Pledge of Allegiance
2. Recreation – Eagle Scout Project at Edward Ryan Memorial Park
3. Highway – Landfill Site Management Policy and driveway bond
4. Kent Police Department – vehicle purchase
5. Kent Public Library – new Board Members
6. Recycling – resignation of member and appointment of new member
7. Finance – CMA Agreement
8. Lake Carmel Park District – Cottage Drive Basin
9. Huestis Park Trust Fund
10. DEC Land Acquisition
11. Proposed Local Law Regarding Chickens
12. Announcements
13. Public Comment

**Meeting**

1. Roll Call
2. Vote on the following:
  - a. Landfill Site Management Policy
  - b. Accept driveway bond
  - c. Purchase of new police vehicle
  - d. Appoint new Board Members to Kent Public Library
  - e. Appoint new member to recycling
  - f. CMA Agreement
  - g. Establish Huestis Park Trust Fund
3. Vouchers and Claims
4. Correspondence
5. Public comment

**Tamara Harrison**

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**From:** Recreation  
**Sent:** Friday, January 31, 2020 11:41 AM  
**To:** Tamara Harrison  
**Subject:** Eagle Scout Project @ Ryan's Park  
**Attachments:** Eagle Scout Project Proposal.docx

Tamara,

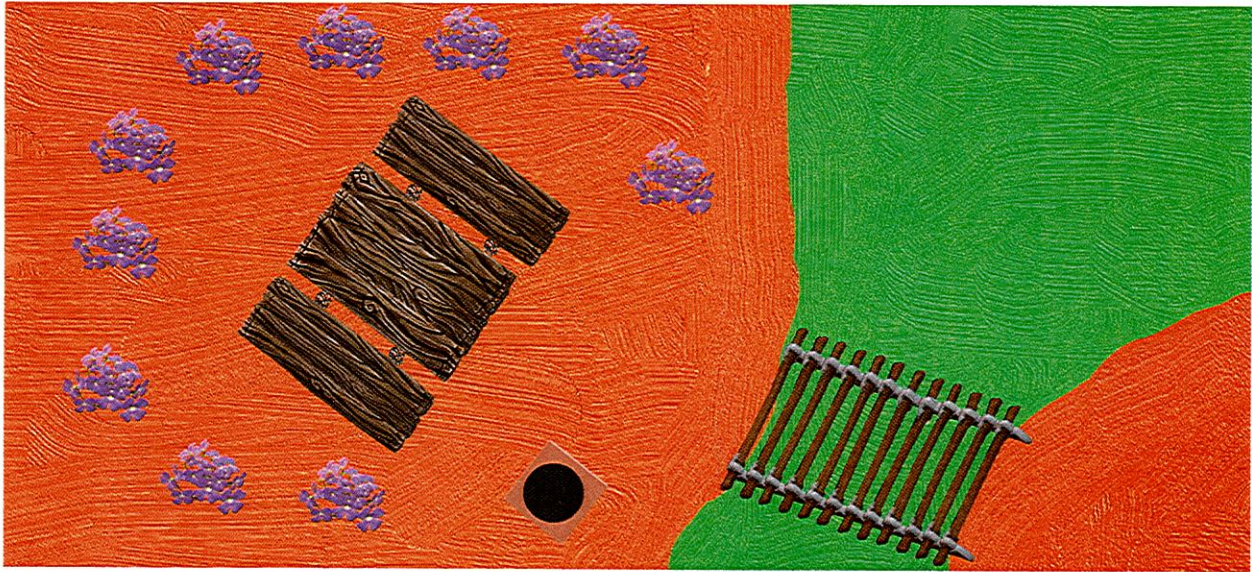
As per our discussion please add the presentation of James Tibbett's Eagle Scout Project at Ryan's Park to the agenda for the upcoming Town Board Meeting on 2/4. James has proposed constructing a small picnic area on a platform of land at the back corner of the fitness trail next to and slightly above the new man-made wetland. We believe it would be a great addition to that area of the fitness trail and will be something all can enjoy throughout the year.

Attached please find the short plan that he drew up. Should you have any further questions please let me know.

Thanks,

**Jared Kuczenski**  
*Acting Director of Rec & Parks*  
*Kent Recreation & Parks*  
*845-531-2100*

# Eagle Scout Project Proposal



My name is James Tibbetts and I am a local Boy Scout that is part of Carmel Troop 1. As a part of my journey to earn the rank of eagle scout, I must carry out a service project benefiting the community. I would like to do this service project at Ryan's Park on the fitness trail. At the rear of the fitness trail, there is a piece of land that I would like to lead a group of volunteers to create a picnic area. Currently the land is vacant, as pictured on the right, and it would be a benefit to all to transform it into a picnic area. I would like to place woodchips down that match the rest of the fitness trail and signify the boundaries with appealing plants around the back. A form of steps would need to be installed between the fitness trail and the proposed picnic area because the area is slightly elevated off the fitness trail. We would build a picnic bench and a



wooden

garbage can to

blend in with the natural surroundings and also help keep the park clean. As a part of my eagle scout project requirements, my volunteers and I must raise all of the funds necessary to complete the project resulting in no expense to the Town of Kent.

On the left is an arial view of Ryan's Park. The fitness trail is in the area circled in red and my proposed project would be near the blue dot.



## **TOWN OF KENT**

### **RESSIQUE ROAD LANDFILL SITE MANAGEMENT POLICY**

#### **I. Purpose and Policy:**

The purpose of this policy is to establish site management guidance specific to the Ressique Road Landfill (the "Landfill"). This policy is necessary to create a uniform standard for the site maintenance since the closing and capping of the Landfill in 1986. This policy is in order to protect water quality and the integrity of the encapsulating cover of soil and vegetation at the Landfill, and to limit fire hazards caused by improperly stored wood chips and fallen tree debris.

#### **II. Site Management Requirements:**

1. The Landfill cap shall remain free and clear of the placement or storage of any and all materials at all times.
2. The Town shall brush hog the vegetation and any grass atop the Landfill cap a minimum of two (2) times per year in order to permit New York State Department of Environmental Conservation ("DEC") personnel to monitor and inspect the wells, cap integrity and any possible leaching of buried materials. The DEC is permitted to enter the Landfill for this purpose.
3. There shall be no burying of woodchips on the lower Landfill site. Woodchips shall be maintained in "windrows" consistent with the DEC guidance material attached hereto and incorporated hereby as Appendix "A".
4. Fallen and construction tree debris shall be stored at the entrance of the Landfill where it can be visually monitored. The Town will grind the tree debris into woodchips a minimum of one (1) time per year consistent with the guidance attached hereto as Appendix "A". Woodchips from such tree debris shall be placed into the "windrows" on site, or, if the site is filled to capacity, trucked off site.
5. Any and all yard waste composting shall be done consistent with the guidance attached hereto as Appendix "A".
5. The Town Highway Department maintains an "Organic Material Separation Facility" on a separate piece of land adjoining the Landfill. Materials in different stages of processing are consistently trucked in and out of the separate facility. Materials at the separate facility shall be stored in concrete block bins in order to prevent any migration onto the adjacent Landfill cap.

#### **III. Consequences for Policy Violations:**

Failure to strictly adhere to this policy can result in fines, Departmental discipline or criminal prosecution to be determined by the NYS DEC, the Highway Superintendent and the Town Board.

#### **IV. Amendments to Policy:**

Any variation from this policy must be approved by the NYS DEC.

**TOWN OF KENT**

**RESSIOUE ROAD LANDFILL SITE MANAGEMENT POLICY**

Dated:

As Approved by:

\_\_\_\_\_  
Maureen Fleming, Town Supervisor

\_\_\_\_\_  
William Huestis, Councilman

\_\_\_\_\_  
Paul Denbaum, Councilman

\_\_\_\_\_  
Jaime McGlasson, Councilwoman

\_\_\_\_\_  
Christopher Ruthven, Councilman

\_\_\_\_\_  
Richard T. Othmer, Highway Superintendent

## APPENDIX

### Tree Debris

Mulch processing in New York State is regulated by 6NYCRR Part 361-4.

In order to be operate without a registration or permit:

- The net volume of all incoming, processed and stored mulch and unprocessed wood debris cannot exceed 10,000 cubic yards, otherwise a registration is required.
- Material cannot remain on-site unprocessed for more than 12 months.
- Piles must adhere to size restrictions:
  - All piles of material that contain unprocessed material or material that has gone through a primary rough grind (4 to 6-inch pieces) cannot exceed 25 feet high and 30 feet wide at the base and piles are triangular in cross section.
  - All piles of double or finely ground mulch cannot exceed 15 feet high and 30 feet wide at the base and piles are triangular in cross section.
- All piles of material are separated by at least 10 feet.
- Piles of processed material are piled loosely and not compacted in any manner.
- If a fire occurs, the affected portion of the pile is dismantled and watered to douse the fire or managed in a manner recommended by a local fire department.
- Standing water on the storage area is minimized.

Link to DEC Mulch Processing Facilities Guidance:

[https://www.dec.ny.gov/docs/materials\\_minerals\\_pdf/mulchregsquidance.20171212.pdf](https://www.dec.ny.gov/docs/materials_minerals_pdf/mulchregsquidance.20171212.pdf)

### Yard Waste Composting

Composting operations are regulated by Part 361-3.2 in one of three ways: exempt, registered or permitted. Regulation of composting facilities depend on the location, quantity and type of material composting.

Because your composting facility is located at a site controlled by the waste generator (the Town of Kent) you may operate without a registration or permit if the following conditions are met (361-3.2(a)(1)):

- The site composts  $\leq 3,000$  cubic yards of yard trimmings per year.
- Waste that is not produced by the waste generator cannot be accepted.
- Windrows should be turned a minimum of two times per year.
- It is recommended that the maximum detention time is 24 months.
- Tree debris can be used as a wood source for use as an amendment or bulking agent.

\*If you are composting  $>3,000 - \leq 10,000$  cubic yards per year a registration is required (361-3.2(b)(1).) If you are composting  $>10,000$  cubic yards per year, a permit is required (361-3.2(d) & (e).)

**Best practices for windrow composting**

This type of composting involves forming organic waste into rows of long piles called "windrows" and aerating them periodically by either manually or mechanically turning the piles.

*The ideal pile height is between four and eight feet with a width of 10 to 16 feet.* This size pile is large enough to generate enough heat and maintain temperatures. It is small enough to allow oxygen flow to the windrow's core. There are two goals to keep in mind when turning a compost windrow. The first is to move material from the outside of the pile to the middle, where it can decompose more quickly. The second goal is to loosen and fluff the material, so it will be more porous, and air can move freely.

Links to learn more about the types of composting and the composting process:

<https://www.epa.gov/sustainable-management-food/types-composting-and-understanding-process>

<http://cwmi.css.cornell.edu/composting.htm>

## Tamara Harrison

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**From:** Lana Cappelli  
**Sent:** Tuesday, January 21, 2020 2:14 PM  
**To:** Richard Othmer; Kent Highway; Tamara Harrison; Accountant; Deputy2; William Huestis; Christopher Ruthven; Jamie McGlasson; Maureen Fleming; Paul Denbaum  
**Subject:** Driveway Bond - O'Mara Realty  
**Attachments:** DOC012120-001.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To All:

Attached please find a paid driveway bond that I received today. Can acceptance of the driveway bond please be added to the next town board meeting.

*Yolanda "Lana" Cappelli*

Kent Town Clerk  
25 Sybil's Crossing  
Kent Lakes, NY 10512  
845/225-2067 Telephone  
845/306-5282 Fax  
[lcappelli@townofkentny.gov](mailto:lcappelli@townofkentny.gov)  
[www.townofkentny.gov](http://www.townofkentny.gov)





TOWN OF KENT HIGHWAY DEPARTMENT  
62 Ludington Court, Kent Lakes, NY 10512  
(845) 225-7172 - highwaykent@townofkentny.gov

0022

# APPLICATION FOR PERMIT TO DO WORK ON AND WITHIN A TOWN ROAD AREA

To the Town of Kent Department of Highways:

Application is hereby made for permission, under Local Law No. 2 adopted 1-24-2012 (available to view within the Town Code at www.townofkentny.gov), to enter upon, construct or open a road constructed or improved on the Town Road System of Town of Kent, Putnam County, N.Y. as follows:

Check # 950  
Rec'd 1/21/2020  
#500

1. Applicant or Owner Representative O'Mara Realty Corporation  
2. Phone number (845) 279-1000  
3. Address 73 Fairfield Drive, Patterson, N.Y. 12563  
4. Name of road where driveway is to be constructed 22 Lhasa Court

Driveway Bond Required ☒ Yes  
No

Planning Board Review ☐ Yes  
Required ☐ No

5. Location of nearest cross roads Tibet Drive  
6. Proposed driveway width and length (Required minimum; 16' width 20' blacktop apron in from road) 16' width 465' Length  
7. Work to be started on 1/14/20 To be completed by 7/1/20  
8. Is Pavement to be disturbed? NO If so, what type? N/A

9. Purpose of Application (Check one): New ☒ 2<sup>nd</sup> Driveway ☐ Relocation or Redesign ☐

10. I have read and acknowledged all attached documents: yes

11. Attach 3 sketches showing the location of work, size of openings, and giving distance to nearest street intersection. ☒

12. If work is to be performed by contractor, please fill out the following:

Mike D'Ottavio  
(Name of contractor)

PC6516  
(Putnam County License Number)

STATE OF NEW YORK  
COUNTY OF Putnam

Richard T. Othmer Jr. being duly sworn deposes and says that he/she is:

an officer, namely viz: President of the Permittee herein named; that compensation has been secured

One of the partners

pursuant to the provisions of the Workmen's Compensation Law of the State of New York, and the provisions of said law will be complied with during the life of this permit, and that no subcontractor will be permitted to do any work under this permit until he has fully and completely complied with all the terms and provisions of the aforesaid law.

If permit is granted, I hereby agree to comply with all the terms, covenants and conditions hereinafter set forth which are attached to and form part of the permit and to restore the road to its original condition, in accordance therewith. Sworn to before me this

9<sup>th</sup> day of January 20 20

Notary Public, County of Dutchess Stephanie Acocella  
Applicants Signature and Title

STEPHANIE ACOCELLA  
NOTARY PUBLIC, State Of New York  
No. 01AC6059742  
Qualified In Bronx County Dutchess  
Commission Expires June 01, 2003

Approval to start work: 1-16-20  
Date

Richard T. Othmer Jr., Kent Highway Superintendent

White: Highway Department Yellow: Town Clerk Pink: Building Department Gold: Resident

NOTARY PUBLIC

# POLICE DEPARTMENT

4

## Town of Kent

40 SYBIL'S CROSSING, CARMEL, NEW YORK 10512

Address All Communications

To: Chief of Police

kentpolice@townofkentny.gov

Emergency: (845) 225-4600

Office: (845) 225-5646

Fax: (845) 306-5288

January 28, 2020

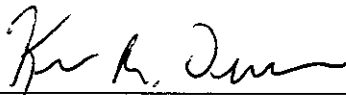
Supervisor Fleming & Kent Town Board  
Town of Kent Administrative Offices  
25 Sybil's Crossing  
Carmel, New York 10512

Dear Supervisor Fleming & Kent Town Board:

The Town of Kent Police Department respectfully requests permission to purchase one fully equipped 2020 Dodge 1500 Police Vehicle for the state bid (Onondaga County #8771 Police & Admin Vehicles) price of \$41151.27. Attached is a quote outlining all of the equipment that is included. Sgt. Alex Vanderwoude and Nick Mancuso worked on the specifications. The monies for this purchase are in our 200 line for budget year 2020.

I would like to take this opportunity to thank you in advance.

Respectfully,



Chief Kevin R Owens

*Serving Our Community 24 Hours A Day*

ROBERT GREEN TRUCK DIVISION  
ROUTE 17 EAST EXIT 107, P.O. BOX 8002  
ROCK HILL, N.Y. 12775  
PHONE 845-794-0300 FAX 845-794-0295  
ONONDAGA CTY #8771 POLICE AND ADMIN VEHICLES  
1/23/2020

rev-04/01/08

KENT, TOWN OF  
25 SYBIL'S CROSSING  
KENT LAKES, NY 10512  
NICK MANCUSO  
[MUNICIPALREPAIRS@TOWNOFKENTNY.GOV](mailto:MUNICIPALREPAIRS@TOWNOFKENTNY.GOV)

BASE MODEL LESS 41.85%/ FACTORY OPTIONS LESS 10%/ NON-OEM EQUIPMENT LESS 10%

QUOTED EXTERIOR COLOR WHITE

PH 845 225-6612  
FX 845 225-9464  
VN 2020 order

		RS GREEN		
QTY		UNIT PRICE	NET PRICE	TOTAL
1	2020 1500 SSV CREW CAB 4X4 5'7" PICKUP BED D6T98	41,375.00	24,059.56	\$24,059.56
1	FACTORY TO DEALER DESTINATION CHARGE		1,695.00	\$1,695.00
1	5.7 LITER V8 GAS ENGINE, 8SPEED AUTO TRANS, CLOTH FRONT/REAR VINYL SEATS			
1	GFA-REAR WINDOW DEFROSTER	195.00	175.50	\$175.50
1	DMH-3.92 AXLE RATIO	95.00	85.50	\$85.50
1	XHC-TRAILER BRAKE CONTROL	295.00	265.50	\$265.50
1	XB9-RAM BOX CARGO MANAGEMENT SYSTEM	1,295.00	1,165.50	\$1,165.50
1	DSA-ANTI SPIN DIFFERENTIAL REAR AXLE	495.00	445.50	\$445.50
1	RA2-UCONNECT 3 WITH 5" DISPLAY(BLUE TOOTH/SIRIUS RADIO)	695.00	625.50	\$625.50
1	CS7-TRI FOLD TONNEAU COVER	595.00	535.50	\$535.50
1	ADB-SKID PLATES AND TOW HOOKS	\$ 395.00	\$ 355.50	\$355.50
1	1000 LB CAPACITY BEDSLIDE	\$2,590.00	\$1,295.00	\$1,295.00
1	CODE 3-Z3 SERIES(REMOTE) SIREN CONTROL	1,267.64	1,140.88	\$1,140.88
1	SIREN INSTALLATION		110.00	\$110.00
1	CODE 3-C3100 SPEAKER	273.80	246.42	\$246.42
1	SPEAKER INSTALLATION		75.00	\$75.00
1	CODE 3-SV555-RAM-2W/DR-2W SUPERVISOR FRONT INTERIOR	1,954.16	1,758.75	\$1,758.75
1	INTERIOR LIGHT BAR INSTALLATION		150.00	\$150.00
1	MNSTAR TRS2-S HARNESS ASSY FOR ALL UPFIT APPLICATI	1,630.00	1,467.00	\$1,467.00
1	SETINA PB400VS PUSH BUMPER	399.00	359.10	\$359.10
1	PROGRAM FACTORY VISSM MODULE FOR WIG-WAG AND FLASH BACK LAMP		\$150.00	\$150.00
1	ARIES #215039 BLACK STAINLESS STEEL TUBULAR SIDE STEPS	\$600.00	\$300.00	\$300.00
1	(FOUR)HB6PAK-RW REAR 1/4 AND BUMPER SIDE	454.48	409.03	\$409.03
1	(FOUR) TRX6-RW /GMB GRILLE LED LAMPS W/ BRACKETS @ \$	671.16	604.04	\$604.04
2	GRILLE/FENDER LAMP INSTALLATION PER SET		210.00	\$420.00
1	(2) CODE 3-XT602-RB XT6 SERIES RED/BLUE REAR WINDOW	752.80	677.55	\$677.55
1	INTERIOR LIGHT BAR INSTALLATION		150.00	\$150.00
1	(2) CODE 3-XT402-RW XT4 SERIES RED/WHITE REAR DOORS	752.80	677.55	\$677.55
1	INTERIOR LIGHT BAR INSTALLATION		150.00	\$150.00
1	HAVIS C-VS-2400-RAMP-2-2CUP-3CLA-2MIC-ARMREST(RAM SSV PU)	780.15	702.14	\$702.14
1	HAVIS C-DMM-2016 MOUNT KIT FOR CONSOLE	\$318.50	\$286.65	\$286.65
1	SETINA T-RAIL MOUNT FOR RAM SSV PICKUP	\$195.00	\$175.50	\$175.50
1	SETINA T-RAIL GUN LOCK W/ HAND CUFF KEY LARGE GUN	\$309.00	\$278.10	\$278.10
1	EXTERIOR COLOR WHITE			
1	STREAMLIGHT STINGER 75866 LED FLASHLIGHT(HARDWIRED AND MOUNTED)		\$160.00	\$160.00

ROBERT GREEN TRUCK DIVISION  
ROUTE 17 EAST EXIT 107. P.O. BOX 8002  
ROCK HILL, N.Y. 12775  
PHONE 845-794-0300 FAX 845-794-0295  
ONONDAGA CTY #8771 POLICE AND ADMIN VEHICLES

rev-04/01/08

	1/23/2020			
		SUB TOTAL		\$41,151.27
		FED EXCISE TAX		
		TOTAL		\$41,151.27



January 27, 2020

Ms. Maureen Fleming, Supervisor  
Town of Kent  
25 Sybil's Crossing  
Kent Lakes, NY 10512

Dear Maureen,

The Kent Public Library Board of Trustees held its annual meeting on January 24, 2019. At their meeting they elected Marty Collins as President, Michele Ment as Vice-President, Otto Romanino as Treasurer, Katie D'Angio as Recording Secretary, and Tom Maxson as Corresponding Secretary.

The Library Board also voted to add two new board members, Ava Rogers and Breanne Griffith, for 5 year terms which will expire on Dec. 31, 2025. (Michael McDermott and Florence Ratti resigned from the board as of the end of December, 2019.) Both Ava and Breanne grew up in Kent and have a strong interest in the library. We ask the Town Board to confirm their positions on the Kent Library Board. I am enclosing more information about them.

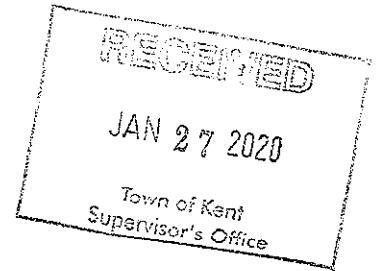
Thank you for your continuing support of the Kent Public Library.

Sincerely,

Carol Donick, Director, Kent Public Library

cc Lana Cappelli, Town Clerk

*Ines A. Petterson*



January 22, 2020

Ms. Maureen Fleming  
Supervisor, Town of Kent  
Town Board Members  
25 Sybil's Crossing  
Kent Lakes, NY 10512

Dear Ms. Fleming and Town Board Members:

Please accept this letter as notice of my resignation from The Town of Kent Recycling Committee effective immediately.

Thank you for the opportunity to serve.

Very truly yours,

A handwritten signature in cursive script that reads "Ines A. Petterson".

Ines A. Petterson

lap



To: Supervisor Fleming and Kent Town Board

From: William R. Buck

A handwritten signature in black ink that reads "Bill Buck". The signature is written in a cursive, flowing style with a large initial "B".

Date: January 24, 2020

Subject: Kent Recycling Center Commission

I am writing to request that I be appointed to the Kent Recycling Center Commission. Recently Ines Petterson resigned and Howard Carpenter asked if I would be willing to fill out her term on the commission. I am currently a volunteer at the Kent Recycling Center and have been for about two and a half years.

Thank you very much for your consideration of this matter.

**Tamara Harrison**

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**From:** Accountant  
**Sent:** Thursday, January 30, 2020 2:54 PM  
**To:** Maureen Fleming; Christopher Ruthven; Paul Denbaum; Jamie McGlasson; William Huestis  
**Cc:** Tamara Harrison  
**Subject:** CMA Agreement

Supervisor and Board Members,

The CMA agreement that I sent out a couple of weeks ago is an agreement that establishes prices for the listed services for our Investment advisor. The only service that is recurring and is performed every year is the filing of the continuing disclosure with the SEC because we have outstanding bonds and that's \$750 annually and is a requirement. All the other service prices listed in the agreement are for informational purposes and will be charged to us if we use it.

Sincerely,  
Yulia Kelly



822 Route 82, Suite 310  
Hopewell Junction, NY 12533  
Phone: 845-227-8678  
rtortora@capmark.org

## Financial Advisory Services Agreement

**This Agreement** has been entered into this \_\_\_\_ day of \_\_\_\_\_, 2020 by and between the town of Kent, New York ("Town") and Capital Markets Advisors, LLC ("CMA"), a limited liability company created under the laws of the State of New York and having its principal place of business at 822 Route 82, Suite 310, Hopewell Junction, New York 12533.

### **Section 1 Financial Advisory Services**

CMA will provide the following services in connection with bond, note and lease financings (the "Issue"), undertaken by the Town during the term of this Agreement.

- 1.01 Discuss plan of financing to include structure for debt issuance, taking into consideration such factors as State Building aid, local resources, market conditions, budget constraints, projected repayment requirements and future capital needs.
- 1.02 Make presentations to the Board and members of the public concerning the debt issuance process, the credit rating process, interest rates and the budget impact resulting from the debt issue, at the Town's request.
- 1.03 Prepare or assist in the preparation of financing documents, as required by the Town, including but not limited to: term sheet, official statement, notice of sale and bid sheet, request for a credit rating, request for municipal bond insurance, DTC Letter of Representations, debt statement and pre-sale or post-sale analysis, if requested.
- 1.04 Recommend alternative financing methods and use of credit enhancement when appropriate.
- 1.05 Maintain relationships with the credit rating agencies, coordinate presentations as needed and conduct presentation preparation as necessary.
- 1.06 Upon the request of the Town, CMA will assist the Town in the selection of other service providers necessary to conduct each Issue including but not limited to bond counsel, rating agencies, bond insurers, underwriters, trustee, verification agent and financial printer, if appropriate.
- 1.07 Prepare and maintain a financing schedule, cost of issue for refunding transactions, list of participants, and take such other actions requested by the Town to efficiently manage each Issue in order to meet the Town's objectives.
- 1.08 Participate in the sale of the debt and confirm net interest cost or true interest cost calculation.
- 1.09 Assist with the closing of the Issue and verify receipt of Issue proceeds.
- 1.10 Prepare and file required Continuing Disclosure and material event notices as required by SEC Rule 15c2-12.

## **Section 2 Compensation**

- 2.01 For CMA's performance of services on behalf of the Town as described in Section 1 hereof, CMA's fees will be as follows:
- For bond issues: \$10,500,
  - For note issues: \$5,500
  - For notes sold with only a Term Sheet and no Official Statement: \$3,250
  - For bonds sold with only a Term Sheet and no Official Statement: \$9,900
  - For capital lease issues: \$4,500 for issues up to \$1 million plus \$.50 per \$1,000 of lease issued over \$1 million with a fee cap of \$12,000
  - For Limited Continuing Disclosure: \$750 annually, inclusive of all required Material Event Notices
  - For full Continuing Disclosure: 2,500 annually, inclusive of any required Material Event Notices
  - For services unrelated to a bond issuance: billed at an hourly fee of \$175 per hour.
- 2.02 For refunding bond issues, the fee will be negotiated with the Town and is dependent on par amount, number of series of bonds being refunded and number of series of refunding bonds to be issued.
- 2.03 The Town will pay normal issuance costs such as printing, distribution, postage, photocopying, overnight delivery, bond counsel, rating agency and other associated expenses.
- 2.04 Payment of CMA's compensation is due within 30 days of receipt of CMA's invoice following the closing of the financing.

## **Section 3 Term of Agreement**

The term of this Agreement shall be from the date hereof to December 31, 2020.

## **Section 4 Disclosure**

CMA does not assume the responsibilities of the Town, nor the responsibilities of the other professionals and vendors representing the Town, in the provision of services and the preparation of financing documents for financings under this agreement. CMA accepts the relationship of trust and confidence established between it and the Town. CMA agrees to furnish its best skill and judgment in the performance of its services in the most expeditious and economical manner consistent with the interests of the Town. Information obtained by CMA, either through its own efforts or provided by the Town, included in the financing documents, or otherwise provided to the Town, is by reason of experience and professional judgment, believed to be accurate; however, such information is not guaranteed by CMA. However, nothing in this

paragraph shall relieve CMA from liability due to negligence or want of due diligence in the performance of its services.

**Section 5 Required Regulatory Disclosure**

Municipal Securities Rulemaking Board ("MSRB") Rule G-10 requires that municipal advisors, including CMA, provide to their clients the following information:

(i) CMA is registered as an independent municipal advisor with the MSRB (Registration No. K0489) and the US Securities and Exchange Commission ("SEC") (Registration No. 867-00807); (ii) CMA is subject to the regulations and rules on municipal advisory activities established by the SEC and MSRB; (iii) the website for the MSRB is [www.msrb.org](http://www.msrb.org) and the website for the SEC is [www.sec.gov](http://www.sec.gov) and (iv) in addition to having educational materials about the municipal securities market, the MSRB website has a municipal advisory client brochure that describes the protections that may be provided by the MSRB rules and how to file a complaint with the appropriate regulatory authority.

MSRB Rule G-42 requires that municipal advisors, including CMA, inform their clients as to any conflicts of interest that may exist that could impact the Town. To the best of our knowledge and belief, neither CMA nor any registered associated person has any material undisclosed conflict of interest that would impact CMA's ability to service the Town.

**Section 6 Binding Effect**

All agreements and covenants contained herein are severable and in the event any of them shall be held to be invalid by any competent court, this agreement shall be interpreted as if such invalid agreements or covenants were not contained herein, and the remaining provisions of this agreement shall remain in full force and effect. Each party hereto represents and warrants that this agreement has been duly authorized and executed by it and constitutes its valid and binding agreement.

**Section 7 Modification and Termination**

This Agreement contains the entire agreement of the parties. It may be amended in whole or in part from time to time in writing by mutual consent of the parties. Either the Town or CMA can terminate this agreement, with or without cause, on thirty (30) days written notice to the other without incurring any further liability hereunder.

**IN WITNESS WHEREOF**, the parties have duly executed this Agreement as of the day and year set forth below.

**CAPITAL MARKETS ADVISORS, LLC**

**TOWN OF KENT, NEW YORK**

*Richard Tortora*

Richard Tortora  
President

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

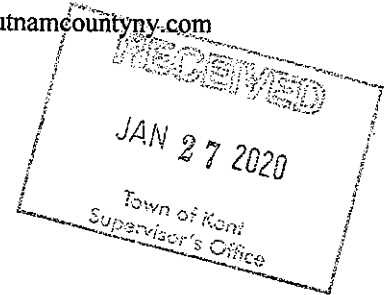


**Putnam County**  
**Soil and Water Conservation District**

841 Fair Street, Carmel, NY 10512

**Phone:** (845) 878-7918 **Fax:** (845) 878-6721

**Email:** lauri.taylor@putnamcountyny.gov **Website:** www.putnamcountyny.com



January 23, 2020

Maureen Fleming, Supervisor  
Town of Kent  
25 Sybil's Crossing  
Kent Lakes, NY 10512

Re: Town of Kent's Lake Carmel Park District's Stormwater Detention Basin Restoration

Dear Supervisor Fleming,

We are pleased to inform you that the above-referenced project has been selected by the Putnam County Soil and Water Conservation District Board for our 2020 Conservation Project and will receive up to \$6,000.00 in reimbursement upon completion.

Please confirm in writing that you are interested in using this funding for the Town of Kent's Lake Carmel Park District's Stormwater Detention Basin restoration. Please be aware that this funding requires that you have the project completed before the end of this year. Upon completion you will need to submit all invoices and proof of payment in order to be reimbursed.

We look forward to working with you on your project. If you should have any questions, please don't hesitate to contact me at 845-878-7918 or [lauri.taylor@putnamcountyny.gov](mailto:lauri.taylor@putnamcountyny.gov).

Sincerely,

A handwritten signature in cursive script that reads "Lauri Taylor".  
Lauri Taylor  
District Manager



**Maureen Fleming**  
Supervisor



Phone: (845) 225-3943  
Fax: (845) 306-5621

25 Sybil's Crossing  
Kent Lakes, NY 10512

January 28, 2020

Lauri Taylor  
District Manager  
Putnam County Soil and Water Conservation District  
841 Fair Street  
Carmel, NY 10512

Dear Ms. Taylor:

Thank you for selecting the referenced project for your 2020 Conservation Project. The Town is certainly interested in utilizing the \$6000 in funding for the Lake Carmel Park District's Stormwater Detention Basin Restoration.

We, too, look forward to working together to complete the project. Thank you, again.

Sincerely,

Maureen Fleming  
Town Supervisor

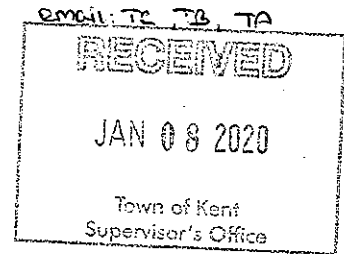


Vincent Sapienza  
Commissioner

Paul V. Rush, P.E.  
Deputy Commissioner  
prush@dep.nyc.gov

71 Smith Avenue  
Kingston, New York 12401

Tel. (845) 340-7800  
Fax (845) 331-1327



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January 3, 2020

Honorable Maureen Fleming, Town Supervisor  
Members of the Town Board  
Town of Kent  
25 Sybil's Crossing  
Kent Lakes, NY 10512

RE: Local Consultation / Parcel # 9527

Dear Supervisor Fleming and Board Members:

As per Paragraph 71 of the 1997 Watershed Memorandum of Agreement (MOA), attached please find information packages for Land Acquisition Project #s 9527 and 9558 to be purchased for the purposes of water supply protection by New York City. The Town has up to 120 days to review and respond to this submission regarding the City's adherence to the MOA and its recommendations for public access.

The local consultation process allows Towns and local residents an opportunity to notify the City of desires or concerns related to the City's proposed recreational uses. The City suggests that the Town Board solicit and consider comments from neighbors of these parcels during the 120-day period so that the Town's response can take into account the full spectrum of community concerns. Some Towns find it helpful to notify the neighbors of the submitted parcels about the pending acquisitions and the City's proposals for public access. Others have found it useful to hold public hearings. DEP staff is available to attend such public hearings, at your request. Please submit this request in writing at least 14 days prior to the public hearing date.

We look forward to your comments. Please contact me at (845) 340-7862 if I can be of further assistance or answer any questions.

Sincerely,

Paul Lenz  
Deputy Chief  
City Land Stewardship  
NYC DEP Bureau of Water Supply  
Phone: (845) 340-7862  
Email: [plenz@dep.nyc.gov](mailto:plenz@dep.nyc.gov)

encl: Fact Sheet/ Property Map/Response Form



New York City Department of Environmental Protection  
Bureau of Water Supply  
Watershed Protection Programs

COMMUNITY REVIEW  
LAND ACQUISITION PROJECT FACT SHEET

Town: Kent Reservoir Basin: West Branch  
County: Putnam Priority Area: 1B  
Location: Off Whangtown Road Submission Date: January 3, 2020 Prop ID: 9527

Tax Lot Data:	Section	Block	Lot	Acres
	21	1	51	+/- 3.3
			Total:	+/-3.3

**Subdivision Required:** ☒ No ☐ Yes, Explain:

**Structures:** ☒ No ☐ Yes, Explain:

**Security / Safety Issues:** ☒ No ☐ Yes, Explain:

**Natural Resources: Seller has provided presence / absence information as follows:**

Forest Management Plan	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Unsure
Property enrolled in the NYSDEC 480A Forest Tax Law program	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Unsure
History of sub-surface mining activities	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Unsure
Active agricultural uses (hay, row crops, grazing, etc.)	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Unsure
Sugarbush management	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Unsure

**History of Recreational Uses According to Seller:**

☐ None known  
☐ No recreational uses of the land were previously allowed  
☒ The following recreational uses were previously allowed:  
☐ Hunting ☒ Hiking ☐ Fishing ☐ Other:

**Proposed Recreational Uses Following DEP Acquisition:**

Hunting and hiking with a DEP Access permit are the proposed recreational uses. This property will be managed with NYC-owned Horse Pound Brook Unit. This parcel features thick woods and moderate slopes.



New York City Department of Environmental Protection  
Bureau of Water Supply  
Watershed Protection Programs

TOWN RESPONSE FORM

Town: Kent Reservoir Basin: West Branch  
County: Putnam Priority Area: 1B  
Location: Off Whangtown Road Submission Date: January 3, 2020 Prop ID: 9527

<u>Tax Lot Data:</u>	<u>Section</u>	<u>Block</u>	<u>Lot</u>	<u>Acres</u>
	21	1	51	+/- 3.3
			Total:	+/-3.3

TOWN COMMENTS:

TOWN SUPERVISOR

DATE

This information is provided to local government bodies in accordance with Paragraph 71 of the 1/21/97 Watershed Memorandum of Agreement (MOA), the April 7, 2007 letter from the Watershed Partnership and Protection Council regarding the Local Consultation Process, the Solicitation Modification Plan submitted by DEP to NYS DOH in April 2018, and the response from NYS DOH dated March 13, 2019.

Paragraph 72 of the MOA states the following activities are not likely to be allowed on City-acquired property; boating (other than for permitted fishing by boat); snowmobiling; camping; motorcycling; mountain bicycling; and horseback riding.

## Maureen Fleming

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**From:** Lenz, Paul <Plenz@dep.nyc.gov>  
**Sent:** Thursday, January 23, 2020 1:19 PM  
**To:** Maureen Fleming  
**Cc:** Tamara Harrison; William Huestis; Christopher Ruthven; Jamie McGlasson; Paul Denbaum  
**Subject:** RE: Acquisition of Parcel #9527, Town of Kent

### TOWN OF KENT NOTICE

THIS EMAIL IS FROM AN EXTERNAL SENDER!

DO NOT click links, DO NOT open attachments, DO NOT forward if you were not expecting this email or if it seems suspicious in any way! REMEMBER: NEVER provide your user ID or password to anyone for any reason!

Hi Supervisor Fleming,

This property was a donation and it will remain on the tax rolls similar to all other DEP-owned land in the Town. This property will serve as source water protection as outlined in the 1997 MOA. It is adjacent to other DEP-owned land and will be open for recreation as part of the larger Horse Pound Brook REC unit.

---

Paul Lenz | **Section Chief** | NYC Environmental Protection  
(O) 845 340 7862 | [plenz@dep.nyc.gov](mailto:plenz@dep.nyc.gov)

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**From:** Maureen Fleming [mailto:mfleming@townofkentny.gov]  
**Sent:** Thursday, January 23, 2020 12:59 PM  
**To:** Lenz, Paul <Plenz@dep.nyc.gov>  
**Cc:** Tamara Harrison <tharrison@townofkentny.gov>; William Huestis <bhuestis@townofkentny.gov>; Christopher Ruthven <cruthven@townofkentny.gov>; Jamie McGlasson <jmcglasson@townofkentny.gov>; Paul Denbaum <pdenbaum@townofkentny.gov>  
**Subject:** Acquisition of Parcel #9527, Town of Kent

Mr. Lenz –

The Town Board has discussed your letter of January 3, 2020 with regard to the above subject. We have two questions concerning this acquisition. The first is whether this property will be taken off the Town's tax rolls and the second is what the purpose of the acquisition is.

Please advise.

*Maureen Fleming*

Maureen Fleming  
Town Supervisor  
Town of Kent  
25 Sybil's Crossing  
Kent Lakes, New York 10512  
(845) 225-3943

TOWN OF KENT  
AMENDMENT TO  
CHAPTER 32  
OF THE KENT TOWN CODE

BE IT ENACTED by the Town Board of the Town of Kent, Putnam County, New York, as follows:

Section 1. Chapter 32, entitled “Dogs and Other Animals” shall be amended to include

Article II to read as follows:

ARTICLE II. Chickens

§ 32-16: Legislative Purpose.

Keeping chickens can play a role in ensuring a source of local food and a sustainable environment, but improper maintenance of chickens in residential neighborhoods can cause nuisances to nearby residential properties and create conditions which are unsanitary and unsafe. It is the intent to permit and regulate the keeping of chickens for the health, safety and welfare of the Town of Kent. This provision shall not apply to properties located within a New York State Certified Agricultural District.

§32-17 Definitions.

**CHICKEN**

Domestic hens kept for its eggs.

**COOP**

A structure that is designed to house hens, which is enclosed on all sides by a roof, doors, and walls with or without windows. A mobile or portable structure that meets this definition shall be considered a coop.

**HEN**

A female chicken.

**RUN**

An outdoor area that is enclosed on all sides, including the top, by fencing that is attached to or surrounding a coop. A run shall have a doorway or hatch that allows hens to access the space.



§32-18 Permit Required.

- A. No person may breed, raise, harbor, or maintain hens in the Town without a permit issued by the Code Enforcement Office.
- B. The Code Enforcement Office may deny a permit to an applicant that cannot meet the requirements of this Chapter. The Code Enforcement Office may also deny a permit to anyone who has been convicted of animal cruelty violations or is delinquent in the payment of any outstanding taxes or fees.
- C. A permit shall be renewed every three (3) years.
- D. The fee for the permit shall be set by resolution of Town Board.

§32-19 Regulations for the Keeping of Chickens.

- A. Roosters are prohibited within the Town.
- B. Limitations
  - a. There shall be no more than one coop and run on a parcel.
  - b. The maximum number of hens shall be fifteen (15) per property.
- C. Minimum Standards for Enclosures
  - a. Hens shall be contained or kept in a fully enclosed coop and run. Hens may be permitted to exercise in a rear, fenced in yard with supervision provided the fence is a minimum of five (5) feet high. Hens must be kept in the coop and run at all times if the coop and run are not located in a fenced yard. No hen shall be permitted to run at large.
  - b. A coop shall provide a minimum of two (2) square feet per hen.
  - c. Feed must be stored in an enclosed, rodent proof container at all times.
  - d. The coop and run shall be located in the rear of the residential structure. A coop and run shall not be permitted in a side or front yard.
  - e. A coop shall be designed and built so that it provides ventilation and shade for hens and protection from precipitation, cold weather, predators, wild birds and rodents.
  - f. Openings in windows and doors are to be covered/secured with wire mesh or screens to deter predators.
  - g. Access doors are required and are to be placed to provide for ease of cleaning.
  - h. A run must be attached to, or surround, the coop. A run shall have a minimum of eight (8) square feet per hen.
  - i. The run must be enclosed on all sides including the top or roof plane. The sides of the run must be made of wire mesh or screening to discourage predators.
  - j. A coop and run shall be at least five (5) feet from the property line and at least twenty (20) feet from a neighboring dwelling. This setback can be waived upon submission of written permission from the owner of the neighboring dwelling.

**Commented [J1]:** Are these distances sufficient? I would consider expanding further

D. Sanitation and Nuisance Prevention

a. The coop and run shall be kept clean, dry and in sanitary condition at all times. Animal waste, uneaten or discarded food and feathers are to be removed regularly with a minimum frequency of once per week.

a.b. All feed shall be kept in rodent proof containers.

b.c. Animal waste must be collected and disposed of regularly with a minimum frequency of once per week. Notwithstanding the foregoing, animal waste may be composted.

§32-20 Grandfathering

Any coop and/or run existing prior to the effective date of this Chapter that does not comply with §32-19C shall be provided one (1) year to comply with the rules and regulations set forth in this Chapter. All other requirements of this Chapter shall be met within sixty (60) days of the effective date of this Chapter.

§32-21 Penalties for Offenses

- A. Any person who shall violate any of the provision of this article shall, upon conviction thereof, be punishable by a fine not exceeding \$250 or imprisonment not exceeding 15 days or by both such fine and imprisonment. Each continued day of violation shall be considered an additional offense.
- B. The Code Enforcement Office shall have the discretion to immediately and permanently revoke a permit if any person is found guilty of violating this Chapter.
- C. Revocation of a permit shall signify the coop as a public nuisance and the coop shall be removed from the property at the owner's expense.

Commented [J2]: Consider a larger penalty?

Section 2. Severability.

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstance, and the Town Board of the Town of Pawling hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 3: Effective Date.

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Dated: \_\_\_\_\_, 2020

BY THE ORDER OF THE TOWN BOARD  
TOWN OF KENT