

**TOWN OF KENT
TOWN BOARD MEETING
Tuesday, January 21, 2020**

Executive Session – 6:00 p.m.

to discuss the financial, credit or employment history of a particular person or corporation or matters leading to the appointment of a particular person or corporation.

Workshop – 7:00 p.m.

1. Pledge of Allegiance
2. Mining Moratorium discussion
3. Vacant and Abandoned Home update
4. Peekskill Hollow Road Weight Restriction
5. DEC Land Acquisition
6. Beautification Committee – new member
7. Conservation Advisory Committee (CAC) – advertise for new members and reappoint member
8. Board of Assessment Review (BAR) – advertise for new members
9. Code Enforcement – correct violations at TM# 33.17-1-81 and TM# 33.34-1-24
10. IT - Computers and Equipment for Recycle
11. Financial Advisory Services Agreement
12. Set Standard Workday
13. Patterson Crossing Stormwater and Easement agreements
14. Announcements
15. Public Comment

Meeting

1. Roll Call
2. Vote on the following:
 - a. Set date for public hearing on Mining Moratorium
 - b. Set date for public hearing on Vacant Property Registry
 - c. Set date for public hearing on DEC Land Acquisition
 - d. Appoint new member for Beautification Committee
 - e. Advertise for new members to CAC
 - f. Reappoint member to CAC
 - g. Advertise for new members for BAR
 - h. Contract to correct violations at TM# 33.17-1-81 and TM# 33.34-1-24
 - i. Approve destruction of IT computers and equipment
 - j. Financial Advisory Services Agreement
 - k. Set standard workday
 - l. Authorize Supervisor to sign Patterson Crossing Stormwater and Easement agreements
3. Vouchers and Claims
4. Correspondence
5. Public comment

TOWN OF KENT
NOTICE OF HEARING

A LOCAL LAW ESTABLISHING A TEMPORARY LAND USE
MORATORIUM PROHIBITING MINING WITHIN THE TOWN OF KENT

PUBLIC NOTICE is hereby given that there has been introduced before the Town Board of the Town of Kent, New York, on _____ an amendment to Kent Town Code introducing a local law Establishing a Temporary Moratorium Prohibiting Mining within the Town of Kent.

NOW THEREFORE, pursuant to Section 20 of the Municipal Home Rule Law, the Town Board of the Town of Kent, New York will hold a public hearing on the aforesaid Amendment at the Town Offices, 25 Sybil’s Crossing, Kent, New York, on _____, at 7:00 p.m. in the evening of that day at which time all persons interested therein shall be heard. The Town Board will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

Dated: _____, 2019

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF KENT

YOLANDA D. CAPPELLI, TOWN CLERK

TOWN OF KENT LOCAL LAW NO. _____ of 2019
A LOCAL LAW ESTABLISHING A TEMPORARY LAND USE MORATORIUM
PROHIBITING MINING WITHIN THE TOWN OF KENT

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

Section 1. Legislative Intent.

This local law is intended to temporarily prohibit the issuance of permits for the excavation of sand, gravel, topsoil, rock or other natural material within the Town of Kent for a period of up to six (6) months, pending the further development and adoption of local laws and/or ordinances prepared to regulate and govern such excavation.

It is deemed necessary to enact this moratorium in order to permit the Town Board adequate time in which to draft suitable legislation to allow for proper and authorized regulation of mining within the Town of Kent. During the term of the moratorium, the Town of Kent shall work to prepare and eventually adopt additional land use provisions and regulatory processes to provide for the benefit, health and general welfare of the residents of the Town of Kent.

The objective of this moratorium is to allow the Town of Kent to assess and address its Code to promote community planning values by properly regulating such excavation. During the pendency of the moratorium, the Town Board will consider how best to permit excavation in certain areas so as to harmoniously integrate such with the existing community and landscape. Moratoria are useful in controlling or temporarily inhibiting development until satisfactory final regulations are adopted.

For these reasons, the Town Board finds that temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to further develop and adopt necessary zoning and land use changes to the Kent Town Code, thus protecting and furthering the public interest, health and safety.

Section 2. Scope of Moratorium.

There is hereby adopted in the Town of Kent a six (6) month moratorium on the consideration, receipt or grant of temporary permits, pursuant to Chapter 63 of the Town of Kent Town Code entitled "Soil Removal", for the excavation of sand, gravel, topsoil, rock or other natural materials.

During the term of the moratorium, the Town Board intends to develop, consider and adopt changes to its land use local laws so as to regulate Soil Removal and ensure that any mining conducted within the Town is consistent with the terms and goals of the Town's Comprehensive Plan.

While the moratorium is in effect, no applications shall be accepted and no temporary permits issued or approvals given by the Town Board except as authorized pursuant to Section 3, below.

Section 3. Variances and Appeals.

Applications for land use otherwise subject to this moratorium may be exempted from the provisions of this Local Law following a noticed public hearing before the Town Board. It is specifically intended that this moratorium shall supersede New York State law which would otherwise confer variance applications exclusively to the zoning board of appeals.

Following a written request for hardship variance relief, within sixty (60) days of receipt of such request, a noticed public hearing shall be held, at which hearing the Town Board may, but is not limited to consider:

A. The proximity of applicant's premises or the subject of applicant's request for relief to natural resources, including but not limited to prime agricultural soils, wetland areas, conservation districts and other areas of environmental concern.

B. The impact of the proposed application on the applicant's premises and upon the surrounding area.

C. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its effect upon aesthetic resources of the community.

D. Compatibility of the proposed application with the recommendations of any administrative body charged with such review by the Town of Kent.

E. The written opinion of the Town of Kent Planning Board and the Town of Kent Code Enforcement Officer that such application may be jeopardized or made impractical by waiting until the moratorium is expired.

F. Evidence specifying in detail the nature and level of any alleged hardship imposed on the property owner(s) as a result of this moratorium.

G. Such other considerations and issues as may be raised by the Town Board.

In making a determination concerning a proposed exemption or grant of relief from application of the moratorium, the Town Board may obtain and consider reports and information from any source it deems to be helpful with review of said application. A grant of relief from application of the moratorium shall include a determination of unreasonable hardship upon the property owner (or if there are multiple property owners, a determination that each such owner shall suffer an unreasonable hardship) which is unique to the property owner(s), a finding that

there are sufficient existing regulations to adequately govern the application for which a hardship waiver is being requested, and a finding that the grant of an exemption will be in harmony with, and will be consistent with the existing Town of Kent Zoning Ordinance and the recommendations of the Comprehensive Plan as such may exist.

An application for relief from the prohibitions of the moratorium shall be accompanied by a fee as set forth by resolution of the Town Board, together with the applicant's written undertaking, in a form to be approved by the Attorney for the Town, to pay all of the expenses of the Town Board and any agent or consultant retained by the Town Board to evaluate and consider the merits of such application, including but not limited to any fees incurred by the Town for services provided by the Attorney for the Town.

Section 4. Penalties.

A. Failure to comply with any of the provisions of this Local Law shall be an unclassified misdemeanor as contemplated by Article 10 and Section 80.05 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of not more than One Thousand Dollars (\$1,000) or imprisonment for not more than 10 days, or both for the first offense. Any subsequent offense within a three-month period shall be punishable by a fine of not more than Two Thousand Dollars (\$2,000) or imprisonment for a period of not more than 30 days, or both. For purposes of this Clause A, each day that a violation of this Local Law exists shall constitute a separate and distinct offense.

B. Compliance with this Local Law may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction, in an action brought on behalf of the Town by the Town Board.

C. In the event the Town is required to take legal action to enforce this Local Law, the violator will be responsible for any and all costs incurred by the Town relative thereto, including but not limited to attorney's fees, and such amount shall be determined and assessed by the court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the propert(ies) within the Town on which the violation occurred, by including such expense in the next annual Town tax levy against such property, and such expense shall be a lien upon such property until paid.

Section 5. Application.

The provisions of this local law shall apply to all real property within the Town of Kent, and all applications for the excavation of sand, gravel, topsoil, rock or other natural materials pursuant to Chapter 63 of the Town Code.

Section 6. Conflicts with State Statutes and Local Laws and Authority to Supersede.

To the extent that any provisions of this local law are in conflict with or are construed as inconsistent with the provisions of the New York State Town Law or any local ordinance, law, or regulation, this local law supersedes, amends, and takes precedence over the Town Law and such local ordinances, laws or regulations, pursuant to the Town's municipal home rule powers pursuant to Municipal Home Rule Law § 10 and § 22 to supersede any inconsistent authority. Pursuant to the same powers, and without limiting the generality of the foregoing, this local law supersedes the provisions contained in (a) Article 8 of the Environmental Conservation Law (known as the State Environmental Quality Review Act) and the regulations thereunder to the extent that such provisions require that an agency determine the environmental significance of an application within certain specified timeframes; and (b) Town Law § 267 and § 267-a through c, pertaining to the variance authority of the board of zoning and appeals.

Section 7. Validity and 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 Kent hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 8. SEQRA Review.

The adoption of a moratorium constitutes a Type II action under 6 NYCRR Part 617, and therefore requires no further review under the State Environmental Quality Review Act (SEQRA).

Section 8. 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 and shall remain in force for a consecutive period of six (6) months from its effective date, unless extended by local law adopted after public hearing upon no less than five (5) days public notice.

Dated: _____, 2019

BY THE ORDER OF THE TOWN BOARD OF

THE TOWN OF KENT

TOWN OF KENT
NOTICE OF HEARING

AMENDMENTS TO THE KENT TOWN CODE
REGARDING FORECLOSURE AND VACANT PROPERTY REGISTRY

PUBLIC NOTICE is hereby given that there has been introduced before the Town Board of the Town of Kent, New York, on _____, 2020 an amendment to Kent Town to authorize the addition of CHAPTER 68 to the Town Code of the Town of Kent, to be entitled “FORECLOSURE OF MORTGAGES AND VACANT PROPERTY REGISTRY”; REQUIRING THE REGISTRATION AND MAINTENANCE OF CERTAIN REAL PROPERTY BY MORTGAGEES AND VACANT PROPERTY BY OWNERS;.

NOW THEREFORE, pursuant to Section 20 of the Municipal Home Rule Law, the Town Board of the Town of Kent, New York will hold a public hearing on the aforesaid Amendment at the Town Offices, 25 Sybil’s Crossing, Kent, New York, on _____, 2020 at 7:00 p.m. in the evening of that day at which time all persons interested therein shall be heard. The Town Board will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

Dated: _____, 2020

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF KENT

YOLANDA D. CAPPELLI, TOWN CLERK

LOCAL LAW NO. __ OF THE YEAR 2020

LOCAL LAW CREATING CHAPTER 68 OF THE TOWN CODE OF KENT TO BE ENTITLED, “FORECLOSURE OF MORTGAGES AND VACANT PROPERTY REGISTRY”; REQUIRING THE REGISTRATION AND MAINTENANCE OF CERTAIN REAL PROPERTY BY MORTGAGEES AND VACANT PROPERTY BY OWNERS;

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

Section 1: Name of Chapter:

This Local Law shall be known as: “FORECLOSURE OF MORTGAGES AND VACANT PROPERTY REGISTRY.

Section 2: Purpose.

WHEREAS, the Town Board desires to protect the public health, safety, and welfare of the citizens of the Town of Kent and maintain a high quality of life for the citizens of the Town through the maintenance of structures and properties in the Town; and

WHEREAS, the Town Board recognizes properties subject to foreclosure action or foreclosed upon and vacant properties (hereinafter referred to as “Registrable Properties”) located throughout the Town lead to a decline in community and property value; create nuisances; lead to a general decrease in neighborhood and community aesthetic; create conditions that invite criminal activity; and foster an unsafe and unhealthy environment; and

WHEREAS, the Town Board has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the Town Board recognizes that, in the best interest of the public health, safety, and welfare, a more regulated method is needed to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

WHEREAS, the Town Board has a vested interest in protecting neighborhoods against decay caused by Registrable Property and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration requirements of Registrable Property located within the Town to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised.

Section 3. Amendment to Town Code.

The Town Board does hereby amend the Town Code by creating Chapter 68, entitled "Foreclosure Mortgages and Vacant Property, Registration Required" to read as follows.

CHAPTER 68.

FORECLOSURE OF MORTGAGES AND VACANT PROPERTY REGISTRY.

Sec. 68-1. PURPOSE AND INTENT.

It is the purpose and intent of the Town Board to establish a process to address the deterioration, crime, and decline in value of Town neighborhoods caused by property with foreclosing or foreclosed mortgages located within the Town and otherwise abandoned properties, and to identify, regulate, limit and reduce the number of these properties located within the Town. It has been determined that Owner-occupied structures are generally better maintained when compared to vacant structures, even with a diligent off-site property Owner. Vacant structures or structures owned by individuals who are economically strained and unable to meet their mortgage obligations are often not properly or diligently maintained, which contribute to blight, declined property values, and have a negative impact on social perception of the residential areas where they are located. It is the Town Board's further intent to establish a registration program as a mechanism to help protect neighborhoods from becoming blighted through the lack of adequate maintenance of properties that are in Foreclosure or Foreclosed, or otherwise abandoned properties; and to provide a mechanism to avert foreclosure actions through timely intervention, education, or counseling of property Owners.

Sec. 68-2. DEFINITIONS

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Code Enforcement Officer shall mean a person certified by the State of New York as a Code Enforcement Officer, and a duly authorized representative of the Town of Kent.

Default shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

Enforcement Officer shall mean any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person authorized by the Town to enforce the applicable code(s).

Evidence of Vacancy shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due Utility notices and/or disconnected Utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or

occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.

Foreclosure or Foreclosure Action shall mean the legal process by which a Mortgagee, or other lien holder, terminates or attempts to terminate a property Owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. The legal process is not concluded until the property obtained by the Mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

Mortgagee shall mean the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the Real Property, excluding governmental entities.

Owner shall mean every person, entity, or Mortgagee, who alone or severally with others, has legal or equitable title to any Real Property as defined by this Chapter; has legal care, charge, or control of any such property; is in possession or control of any such property; is shown to be the owner or owners on the record of the Town of Kent Assessor's Office; and/or is vested with possession or control of any such property. The Property Manager shall not be considered the Owner.

Property Manager shall mean any party designated by the Owner as responsible for inspecting, maintaining and securing the property as required in this Chapter.

Real Property shall mean any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the Town limits.

Registrable Property shall mean:

- (a) Any Real Property located in the Town, whether vacant or occupied, that is encumbered by a mortgage subject to an ongoing Foreclosure Action by the Mortgagee or Trustee, has been the subject of a Foreclosure Action by a Mortgagee or Trustee and a Judgement has been entered, or has been the subject of a Foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the Foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's length transaction or the Foreclosure Action has been dismissed; or
- (b) Any property that is vacant for more than thirty (30) days or has been subject to any cancellation of Utility or Service, whichever occurs first.

Registry shall mean a web-based electronic database of searchable Real Property records, used by the Town to allow Mortgagees and Owners the opportunity to register properties and pay applicable fees as required in this Chapter.

Semi-Annual Registration shall mean six (6) months from the date of the first action that requires registration, as determined by the Town, or its designee, and every subsequent six (6) months. The date of the initial registration may be different than the date of the first action that required registration.

Utilities and Services shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all Town codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

Vacant shall mean any parcel of land in the Town that contains any building or structure that is not lawfully occupied.

Sec. 68-3. APPLICABILITY AND JURISDICTION

This Chapter applies to Foreclosing, Foreclosed, and Vacant property within the Town of Kent.

Sec. 68-4. ESTABLISHMENT OF A REGISTRY

In accordance with the provisions of Section 68-6, the Town, or its designee, shall establish a registry cataloging each Registrable Property within the Town, containing the information required by this Chapter.

Sec. 68-5. INSPECTION AND REGISTRATION OF REAL PROPERTY UNDER FORECLOSURE

- (a) Any Mortgagee who holds a mortgage on Real Property located within the Town shall perform an inspection of the property upon default by the mortgagor as evidenced by the filing of a Foreclosure Action.
- (b) Property inspected pursuant to subsection (a) above that remains in Foreclosure shall be inspected every thirty (30) days by the Mortgagee or Mortgagee's designee. If an inspection shows a change in the property's occupancy status the Mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.
- (c) Within ten (10) days of the date any Mortgagee files a Foreclosure Action, the Mortgagee shall register the Real Property with the Town Registry, and, at the time of registration, indicate whether the property is Vacant, and if so shall designate in writing a Property Manager to inspect, maintain, and secure the Real Property subject to the mortgage under

a Foreclosure Action. A separate registration is required for each property under a Foreclosure Action, regardless of whether it is occupied or vacant.

- (d) Initial registration pursuant to this section shall contain, at a minimum, the name of the Mortgagee, the mailing address of the Mortgagee, email address, telephone number and address of the Property Manager.
- (e) At the time of initial registration, each registrant shall pay a non-refundable Semi-Annual Registration fee in the amount set by resolution the Town Board, as amended from time to time, for each property. Subsequent non-refundable Semi-Annual renewal registrations of properties and fees in the amount set by resolution the Town Board, as amended from time to time, are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Defaulted properties, (3) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the Town's Building Department dedicated to the cost of implementation and enforcement of this Chapter and fulfilling the purpose and intent of this Chapter. None of the funds provided for in this section shall be utilized for the legal defense of Foreclosure Actions.
- (f) If the mortgage and/or servicing on a Registrable Property is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Mortgagee shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.
- (g) If the Mortgagee sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including, but not limited to, unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Foreclosed Property.
- (h) If the Foreclosing or Foreclosed Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration.

- (i) This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the Mortgagee as well as any properties transferred to the Mortgagee under a deed in lieu of foreclosure or by any other legal means.
- (j) Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains Registrable Property.
- (k) Failure of the Mortgagee and/or property Owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this Chapter is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the Town.
- (l) If any property is in violation of this Chapter the Town may take the necessary action to ensure compliance with and/or place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to bring the property into compliance.

Sec. 68-7. INSPECTION AND REGISTRATION OF REAL PROPERTY THAT IS NOT SUBJECT TO A MORTGAGE IN FORECLOSURE.

- (a) Any Owner of Vacant property located within the Town shall within ten (10) days after the property becomes Vacant, register the Real Property with the Town Registry.
- (b) Initial registration pursuant to this section shall contain, at a minimum the name of the Owner, the mailing address of the Owner, e-mail address, and telephone number of the Owner, and if applicable, the name and telephone number of the Property Manager and said person's address, e-mail address, and telephone number.
- (c) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee the amount set by resolution the Town Board, as amended from time to time, for each Vacant property. Subsequent non-refundable Semi-Annual renewal registrations of Vacant properties and fees in the amount set by resolution the Town Board, as amended from time to time, are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Vacant properties, and (3) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the Town's Department dedicated to the cost of implementation and enforcement of this local law, and fulfilling the purpose and intent of this Chapter.
- (d) If the property is sold or transferred, the new Owner is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Owner shall register the Vacant property or update the existing registration. The previous Owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Owner's involvement with the Vacant property.

- (e) If the Vacant property is not registered, or either the registration fee or the Semi-Annual Registration fee is not paid within thirty (30) days of when the registration or Semi-Annual Registration is required pursuant to this section, a late fee shall be equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty (30) day period, or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent Owners of the Vacant property.
- (f) Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property is Vacant.
- (g) Failure of the Owner to properly register or to modify the registration to reflect a change of circumstances as required by this local law is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the Town.
- (h) If any property is in violation of this Chapter the Town may take the necessary action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to bring the property into compliance.
- (i) Properties registered as a result of this section are not required to be registered again pursuant to the Foreclosure mortgage property section unless such property shall subsequently become subject to a mortgage in foreclosure.

Sec. 68-8. EXEMPTIONS FROM REGISTRATION REQUIREMENTS.

A building which has suffered fire damage or damage caused by extreme weather events shall be exempt from the registration requirement for a period of 180 days (or that time required to settle an active insurance claim) after the date of the fire or extreme weather event, if the property owner submits a request for exemption, in writing, to the Building Inspector. This request shall include the following information supplied by the owner:

- (a). A description of the premises.
- (b) The names and address of the owner or owners.
- (c) A statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building.

Sec. 68-9. MAINTENANCE REQUIREMENTS

- (a) In addition to the conditions set forth in Chapter 55-A of the town Code regarding Property Maintenance, properties subject to this chapter shall be kept free of weeds, overgrown

brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.

- (b) Registrable Property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Front, side, and rear yards, including landscaping, of Registrable Property shall be maintained in accordance with the applicable code(s) at the time registration is required.
- (d) Registrable yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- (f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- (g) Failure of the Mortgagee, Owner, and transferees to properly maintain the property as required by this Chapter may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the Town. Pursuant to a finding and determination by the Town Sheriff, Town Judge or a court of competent jurisdiction, the Town may take the necessary action to ensure compliance with this section.

Sec. 68-10. SECURITY REQUIREMENTS

- (a) Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- (b) A “secure manner” shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.
- (c) If a property is Registrable, and the property has become vacant or blighted, a Property Manager shall be designated by the Mortgagee and/or Owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the

Property Manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.

- (d) In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the Town.
- (e) When a foreclosure property subject to this Chapter becomes Vacant, it shall be posted with the name and twenty-four (24) hour contact telephone number of the Property Manager. The Property Manager shall be available to be contacted by the Town Monday through Friday between 9:00 a.m. and 5:00 p.m., legal holidays excepted. The sign shall be placed in a window facing the street and shall be visible from the street. The posting shall be no less than eighteen (18) inches by twenty-four (24) inches and shall be of a font that is legible from a distance of forty-five (45) feet. The posting shall contain the following language with supporting information:

THIS PROPERTY IS MANAGED BY _____.
AND IS INSPECTED ON A REGULAR BASIS. _____.
THE PROPERTY MANAGER CAN BE CONTACTED _____.
BY TELEPHONE AT _____.
OR BY EMAIL AT _____.

- (f) The posting required in subsection (e) above shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.
- (g) Failure of the Mortgagee and/or property Owner of record to properly inspect and secure a property subject to this Chapter, and post and maintain the signage noted in this section, is a violation and shall be subject to enforcement by any of the enforcement means available to the Town. The Town may take the necessary action to ensure compliance with this section, and recover costs and expenses in support thereof.

Sec. 68-11. PROVISIONS SUPPLEMENTAL

The provisions of this Chapter are cumulative with and in addition to other available remedies. Nothing contained in this Chapter shall prohibit the Town from collecting on fees, fines, and penalties in any lawful manner; or enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or local law

Sec. 68-12. PUBLIC NUISANCE

All Registrable Property is at risk of being a public nuisance and if vacant or blighted can constitute a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the Town.

Sec. 68-13. ADDITIONAL AUTHORITY

- (a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health, safety, and welfare, the code Enforcement Officer may temporarily secure the property at the expense of the Mortgagee or Owner, and may bring the violations before the Justice Court as soon as possible to address the conditions of the property. Nothing herein shall limit the Town from abating any nuisance or unsafe condition by any other legal means available to it.
- (b) The Sheriff, Town of Kent Police Department, Code Enforcement Officer, or Justice Court shall have the authority to require the Mortgagee or Owner affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- (c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Sheriff, Town of Kent Police Department, Town Board or Justice Court may direct the Town to abate the violations and charge the Mortgagee or Owner with the cost of the abatement.
- (d) If the Mortgagee or Owner does not reimburse the Town for the cost of temporarily securing the property, or of any abatement directed by the Sheriff, Town of Kent Police Department, code enforcement officer, Town Board or Justice Court, within thirty (30) days of the Town sending the Mortgagee or Owner the invoice then the Town may lien the property with such cost, along with an administrative fee as determined in the Town's fee local law to recover the administrative personnel services. In addition to filing a lien the Town may pursue financial penalties against the Mortgagee or Owner. The Town shall maintain a record of the lien against the property in the Building Department records until such lien is satisfied.
- (e) The Town may contract with an entity to implement this Chapter, and, if so, any reference to the Enforcement Officer herein shall include the entity the Town contract with for that purpose.

Sec. 68-14. OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY

Whoever opposes, obstructs or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be subject to punishment as provided in the applicable code(s) or a court of competent jurisdiction.

Sec. 68.15 IMMUNITY OF ENFORCEMENT OFFICER

Any Enforcement Officer or any person authorized by the Town to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Chapter.

Sec. 68-16. PENALTIES

Unless otherwise provided for in this Chapter, a violation of this Chapter is declared unlawful. Any person who commits or permits any act in violation of any provisions of this chapter shall be deemed to have violated this chapter and to have committed a misdemeanor against the chapter and, shall be liable to the following penalties, following prosecution consistent with the laws of the State of New York:

(a) For each violation of the provisions of this chapter, the person violating the same shall be subject to a fine of not more than _____ hundred dollars (\$_____.) nor less than _____ dollars (\$_____.) or imprisonment not to exceed one (1) year, or to both such fine and imprisonment. Each day that the violation continues shall be a separate offense.

In addition to the above-provided penalties, the Town Board may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

Sec. 68-17. AMENDMENTS

Registration fees and penalties outlined in this Article may be modified by resolution, administrative order, or an amendment to this Article, passed and adopted by the Town Board.

Section 3. 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 Kent hereby declares that it would have passed this local law or the remainder thereof

had such invalid application or invalid provision been apparent.

Section 4: **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

PUTNAM COUNTY LEGISLATURE

Resolution #480

Introduced by Legislator: Mary Ellen Odell on behalf of the Physical Services Committee at the Year End Meeting held on December 28, 2009.

page 1

APPROVAL/LOCAL LAW/PUTNAM COUNTY HISTORIC ROAD PRESERVATION LAW

A Local Law to Amend the Code of Putnam County by adding a new Chapter 62 entitled "Historic Road Preservation"

Be it enacted y the Legislature of the County of Putnam as follows:

Section 1. A new Chapter 62 entitled "Historic Road Preservation" is hereby added to the Code of Putnam County read as follows:

Historic Road Preservation Law

§ 62-1 Findings and purposes.

A. The Putnam County Legislature finds and declares as matter of public policy that it is desirable and necessary to provide for the protection, enhancement, preservation and maintenance of certain historic roads, by reason of their historical significance to Putnam County, and their contribution to the character and physical appearance of the County. The continuing presence of these roads is an important and essential element of the identity of Putnam County.

B. It is the legislative intent of this chapter to:

- 1. Designate, protect, preserve and maintain certain County roads which shall qualify, under the definition stated in this chapter, as historic roads.**
- 2. Set criteria for designation of County roads, which may be found to qualify.**
- 3. Prescribe guidelines for maintenance of these historic roads.**

Vote:

State Of New York

ss:

County of Putnam

I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on December 28, 2009.

Dated: December 31, 2009

Signed: _____

M. Chris Marrone
Clerk Of The Legislature Of Putnam County

PUTNAM COUNTY LEGISLATURE

Resolution #480

Introduced by Legislator: Mary Ellen Odell on behalf of the Physical Services Committee at the Year End Meeting held on December 28, 2009.

page 2

4. Provide for the educational, cultural, recreational, environmental, aesthetic, economic and general welfare benefits, which are derived from such historic road preservation.

§ 62-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

HISTORIC ROAD: Any road of historical value or aesthetic interest by reason of its antiquity as a cultural or heritage resource may be classified as a historical road. A Historic road may be any County road which is found to contain historic qualities, as determined by one or more of the following categories:

A. AESTHETIC ROUTES: These represent historic roads for which the primary rationale for development was the design and provision of a specific visitor experience. Aesthetic routes, such as parkways and park roads, have historically been intensively designed and developed for the purpose of leisure, recreation and commemoration. They typically follow the natural topography of the region. They are roads for which the alignment and details are key to the experience. Special materials, planting, lighting, well-preserved stone walls, rock outcrops, historic buildings and even building facades contribute to the character of these roads. Alterations to any component of these roads will significantly impact the historic integrity of the resource.

B. ENGINEERED ROUTES: Roads designed for a specific transportation goal, such as the movement of people, goods and services, represent the largest category of roads. They will have a documented origin or authorization and construction date. These are roads that may have been developed to open isolated areas to commerce, link the nation or simply serve our communities - roads for which the aesthetic experience was often secondary. Their alignment and detail are important in their representation of technology and culture. Many City grid patterns and our first transcontinental highways are typical of this category.

Vote:

State Of New York

ss:

County of Putnam

I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on December 28, 2009.

Dated: December 31, 2009

Signed: _____

M. Chris Marrone
Clerk Of The Legislature Of Putnam County

PUTNAM COUNTY LEGISLATURE

Resolution #480

Introduced by Legislator: Mary Ellen Odell on behalf of the Physical Services Committee at the Year End Meeting held on December 28, 2009.

page 3

C. CULTURAL ROUTES: These routes evolved through necessity or tradition. While these roads may have a documented date of origin, they were developed without the intensive engineering and design practices associated with aesthetic and engineered routes. These may be routes that have evolved from Native American trails, colonial post roads or simply from convenient connections between villages.

CERTIFICATE OF APPROPRIATENESS: A certificate issued by the Putnam County Legislature indicating that a proposed change, alteration, and/or relocation of a Historic road is in accordance with the provisions of this chapter.

COUNTY ROAD: Any road or portion thereof located within the boundaries of Putnam County which has been officially incorporated into and made a part of the County road system of Putnam County.

DESIGNATION BOUNDARY: The designation boundary for any historic road shall include the entire length and width of each designated road or section thereof, including any rights-of-way held by the County of Putnam unless otherwise specified at the time of designation.

§ 62-3 Designation Criteria.

A. Context. The Putnam County Legislature shall review and consider for designation as "historic" any County road which substantially conforms to the following criteria:

1. County roads on which events occurred that have made a significant contribution to, are identified prominently with or which represent the broad cultural, political, economic, military or social history of the County, and from which an understanding and appreciation of the larger patterns of our American heritage may be gained.

Vote:

State Of New York

ss:

County of Putnam

I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on December 28, 2009.

Dated: December 31, 2009

Signed: _____

M. Chris Marrone
Clerk Of The Legislature Of Putnam County

PUTNAM COUNTY LEGISLATURE

Resolution #480

Introduced by Legislator: Mary Ellen Odell on behalf of the Physical Services Committee at the Year End Meeting held on December 28, 2009.

page 4

2. County roads associated with the lives of persons nationally or locally significant in the history of the United States, or that figured prominently in regionally and/or nationally significant events.

3. County roads significantly associated with an important historical event that represent some great idea or ideal of the American people.

4. County roads that embody the distinguishing characteristics of a specific type of construction, or a notable design representing the work of a master builder or engineer, or the travel routes of a specific civilization.

5. County roads that have produced information by shedding light upon historical periods over large areas of the County of Putnam.

B. Integrity. To possess historic significance, a road must possess integrity.

1. For an historic road designation, "integrity" means original location, including direction, curves, angles and intangible elements of feeling and association.

2. It is desirable that each historic road contain sufficient land on either side of its corridor to preserve all the significant historical or cultural features associated with the road, and to be able to preserve such additional lands as may be needed to protect the historic scene of the road and provide unobtrusive buffers.

3. The road and its authentic historically related environment should lend themselves to effective preservation and interpretation.

C. All interested parties have the right to confer with and present testimony to the Putnam County Legislature throughout the designation process.

§ 62-4 Procedures for designation.

Vote:

State Of New York

ss:

County of Putnam

I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on December 28, 2009.

Dated: December 31, 2009

Signed: _____

M. Chris Marrone
Clerk Of The Legislature Of Putnam County

PUTNAM COUNTY LEGISLATURE

Resolution #480

Introduced by Legislator: Mary Ellen Odell on behalf of the Physical Services Committee at the Year End Meeting held on December 28, 2009.

page 5

A. Filing procedures.

1. The Putnam County Legislature, with the advice and assistance of the Putnam County Commissioner of Highways and Facilities and the Putnam County Commissioner of Planning, Development and Public Transportation, may on its own initiative consider a County road or portion thereof for historic road designation.

2. Any owner of a property adjoining a County road may petition the Putnam County Legislature for a designation of said County road or portion thereof as a Historic road. Petitions shall only be accepted by the Putnam County Legislature between November 1st and November 30th of each year, and will be reviewed and considered thereafter. Each petition shall:

a. State what County road or portion thereof is requested to be designated as a Historic road and describe those characteristics of the County road which qualify it for Historic road status, as well as other characteristics which enhance the historic character of the road.

b. Be signed by the owners of a majority, i.e., greater than 50%, of lot frontage abutting the County road or portion of the County road in question (such ownership shall be verified by the Putnam county Legislature), stating that they approve of designating the County road or portion thereof as a Historic road and indicating, to the best of their knowledge, their lot frontage along the County road or portion thereof.

c. Contain the address of each signer of the petition.

d. Include the names and addresses of owners of lot frontage abutting the County road or portion thereof who did not sign the petition.

e. Contain the name, address and signature of the circulator of the petition.

Vote:

State Of New York

ss:

County of Putnam

I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on December 28, 2009.

Dated: December 31, 2009

Signed: _____

M. Chris Marrone
Clerk Of The Legislature Of Putnam County

PUTNAM COUNTY LEGISLATURE

Resolution #480

Introduced by Legislator: Mary Ellen Odell on behalf of the Physical Services Committee at the Year End Meeting held on December 28, 2009.

page 6

f. Contain a signed statement by the circulator that the circulator either knows each individual who signed the petition or that the signer satisfactorily identified himself or herself to the circulator.

3. An original of the petition shall be filed with the Clerk of the Putnam County Legislature, who shall retain the original and forward a copy to each and every member of the Putnam County Legislature.

B. Notice of designation. Upon the designation of a County road or portion thereof as a Historic road, the Putnam County Legislature shall immediately cause a notice of such designation to be forwarded to the Putnam County Commissioner of Highways and Facilities and the Putnam County Commissioner of Planning, Development and Public Transportation.

§ 62-5 Maintenance standards.

A. Alterations and improvements. No Historic road or portion thereof shall be altered or otherwise improved, except as provided for in this chapter.

B. Routine maintenance. Routine maintenance, such as, for example, filling potholes and ruts, cleaning catch basins and the removal of invasive nuisance plant species, is permitted and shall be carried out so as to preserve to the highest degree possible the historic features of all such designated roads while ensuring the general safety of the travelling public. Routine maintenance shall not include any or all of the following activities:

1. Widening of the travel portions of historic roads, except at the intersections of paved roadways for safety reasons.

2. Changes of grade.

3. Straightening or realignment.

Vote:

State Of New York

ss:

County of Putnam

I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on December 28, 2009.

Dated: December 31, 2009

Signed: _____

M. Chris Marrone
Clerk Of The Legislature Of Putnam County

PUTNAM COUNTY LEGISLATURE

Resolution #480

Introduced by Legislator: Mary Ellen Odell on behalf of the Physical Services Committee at the Year End Meeting held on December 28, 2009.

page 7

4. Removal of any bridge or other appurtenance.

5. Removal and/or trimming of branches of mature trees, except where dead, diseased or damaged or presenting a risk to electric lines, homes or other structures.

6. Paving an existing unpaved Historic road.

C. Natural disasters. In the event of a natural disaster in which an historic road, or portion thereof, becomes impassable or unsafe for public travel, any and all emergency repairs may be undertaken to restore the road to its pre-disaster condition.

§ 62-6 Certificate of appropriateness.

A. A certificate of appropriateness, granted by the Putnam County Legislature following the review of the Putnam County Commissioner of Highways and Facilities and the Putnam County Commissioner of Planning, Development and Public Transportation, shall be required before any alterations and/or improvements can commence on any designated Historic road. Such certificate shall be required for, but shall not be limited to, any of the following:

1. Demolition of an historic road, or replacement of same.

2. Relocation, realignment, widening, reducing of width or any other physical change or alteration.

3. Material change of the type of wearing surface, by addition, reconstruction, alteration or maintenance, including significant surface color change.

4. Changes in the road design, including width, slope, drainage, clearance (overhead and lateral obstruction) and pitch.

Vote:

State Of New York

ss:

County of Putnam

I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on December 28, 2009.

Dated: December 31, 2009

Signed: _____

M. Chris Marrone
Clerk Of The Legislature Of Putnam County

PUTNAM COUNTY LEGISLATURE

Resolution #480

Introduced by Legislator: Mary Ellen Odell on behalf of the Physical Services Committee at the Year End Meeting held on December 28, 2009.

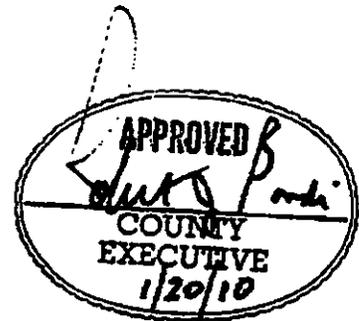
page 8

B. In granting any certificate of appropriateness, the Putnam County Legislature shall consider:

1. The effect of the proposed work in altering, destroying or affecting the historic features and qualities of the road, tempered with the particular management needs of each individual road and of the region, in light of the general safety and welfare of the travelling public.
2. The relationship between the results of such proposed work and the preservation of Putnam County's rich historical, cultural, environmental, scenic aesthetic and/or architectural resources.

Section 2. This local law shall take effect immediately.

BY POLL VOTE: ALL AYES. LEGISLATOR TAMAGNA WAS ABSENT.



Vote:

State Of New York

ss:

County of Putnam

I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on December 28, 2009.

Dated: December 31, 2009

Signed: M. Chris Marrone

M. Chris Marrone
Clerk Of The Legislature Of Putnam County

2

PUTNAM COUNTY LEGISLATURE

Resolution #385

Introduced by Legislator: Sam Oliverio, Jr. at a Regular Meeting held on December 7, 2010.

Seconded by Legislator: Richard Othmer.

page 1

APPROVAL/DESIGNATION/PEEKSKILL HOLLOW ROAD/HISTORIC ROAD

WHEREAS, a petition has been submitted by the residents of Peekskill Hollow Road to declare this road an historic road under Chapter 169 of the Putnam County Code; and

WHEREAS, this petition was referred to the County's director of Real Property, the Putnam County Historian, the Commissioner of Highways & Facilities and the Commissioner of Planning for their review and recommendation; now therefore be it

RESOLVED, that based on the report of the Director of Real Property, 58.17% of the privately held property owners on Peekskill Hollow Road signed the petition thereby complying with the requirement of Chapter 169 of the Putnam County Code; and be it further

RESOLVED, that the Legislature finds this road contains the required historic quality as required by the Historic Road Preservation Law; and be it further

RESOLVED, that additional expenses derived by this designation be administered by an "ad valorem" special district tax with the special district being subject to the approval of the State Comptroller; and be it

RESOLVED, that the Putnam County Legislature hereby declares Peekskill Hollow Road an Historic Road under Chapter 169 of the Putnam County Code; and be it further

RESOLVED, that excepted from this designation under the maintenance standard contained in Section 169-5 of the Code are the requirements approved by the Putnam County Legislature under Resolution #271 of 2010 contained in the federally funded project from Oscawana Lake Road to Mill Street; and be it further

RESOLVED, that this resolution is subject to any needed approval of the State Comptroller for the creation of a special tax district to implement this designation.

BY ROLL CALL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Vote:

State Of New York

ss:

County of Putnam



I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on December 7, 2010.

Dated: December 9, 2010

Signed: M. Chris Marrone

M. Chris Marrone
Clerk Of The Legislature Of Putnam County

cc: [handwritten initials]

THE PUTNAM COUNTY LEGISLATURE

40 Glencida Avenue
Carmel, New York 10512
(845) 808-1020 Fax (845) 808-1933

Vincent M. Tamagna *Chairman*
Mary F. Conklin *Deputy Chair*
M. Chris Marrone *Clerk*
Clement Van Ross *Counsel*



| | |
|-----------------------|---------|
| Vincent M. Tamagna | Dist. 1 |
| Sam Oliverio, Jr | Dist. 2 |
| Richard T. Othmer Jr. | Dist. 3 |
| Mary F. Conklin | Dist. 4 |
| Carl L. Albano | Dist. 5 |
| Tony Hay | Dist. 6 |
| Daniel G. Birmingham | Dist. 7 |
| Dini LoBue | Dist. 8 |
| Anthony DiCarlo | Dist. 9 |

MEMORANDUM

TO: Paul Eldridge
County Executive

FROM: Vincent M. Tamagna *VMT/c*
Chairman

DATE: February 8, 2011

RE: Weight Limit/Peekskill Hollow Road

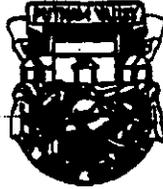
2011 FEB -9 AM 10:59
PUTNAM COUNTY

Trucks that wish to avoid the designated truck routes on Route 6 and Route 9 use Peekskill Hollow Road as a "shortcut". Their number, size and speed are dangers to all who travel or live along Peekskill Hollow Road. The residents of Peekskill Hollow Road have made numerous requests to have a weight restriction for trucks and to have weight restriction signs installed. The NYSDOT so far has been unresponsive even though they are aware of the problem and potential danger. They have appealed to the Legislature for help.

I respectfully request that the Highway Department intervene and contact the Regional Director of the NYSDOT to discuss this matter. It is my understanding that a formal request must come from the Acting Commissioner of Highways & Facilities to the NYSDOT to review this situation, set weight limits for trucks and install the weight restriction signs along Peekskill Hollow Road.

Thank you for your assistance with this matter. If you have any questions, I am available to meet with you at your convenience to discuss this matter in detail.

CC: Emma Kounine, Acting Commissioner of Highways & Facilities



Town of Putnam Valley

2011 FEB 24 PM 2:12

ROBERT V. TENDY
Supervisor

RECEIVED
PUTNAM COUNTY
1100 STATE ST. NEW BRITAIN, CT 06106

Town Board Members
JAQUELINE ANNABI, *Councilwoman*
ROBERT CINQUE, *Councilman*
WENDY WHEEEL, *Councilwoman*
EUGENE YETTER, *Councilman*

Supervisor's Office
MARIANNE DE SANTIS, *Finance Director*
SUSAN MANNO, *Facilities Manager*
BEVERLY KELLY
Secretary to the Supervisor and the Board

February 18, 2011

Ms. Emma Kounine
Acting Commissioner
Putnam County Department of Highways & Facilities

Re: Your letter of February 9th, pertaining to weight restriction on trucks on Peekskill Hollow Road

Dear Ms. Kounine:

Peekskill Hollow Road has areas that are hazardous, especially during the winter. Very large trucks traversing those areas can pose a threat to the safety of the town residents. A sensible weight restriction is probably a good idea, unless the county intends to widen the road and straighten out bad sight lines and dangerous curves. Since this road work does not seem to be imminent (nor is it, in my opinion, desirable), it would make sense for the Putnam County Highway Department and the legislature to impose some kind of reasonable weight and size policy regarding trucks.

However, this letter should not be taken as an indication that the roadwork from Adams Corners to Oregon corners should not take place. The scheduled roadwork on that portion of the road is important to our town for safety, aesthetic and commercial reasons, and I would hope the County would begin that planned renovation as soon as possible.

Very truly yours,

Robert Tendy
Putnam Valley Town Supervisors

Adopted
4/20/11

Draft 4-18-11

**RESOLUTION REQUESTING THE COUNTY
OF PUTNAM TO IMPOSE WEIGHT AND SPEED LIMITS ON
PEEKSKILL HOLLOW ROAD**

WHEREAS the Town Board of Putnam Valley ("Town Board") is vitally interested in the preservation and protection of the Town's many physical, historic, environmental and cultural resources; and

WHEREAS Peekskill Hollow Road, a County Roadway running from the Town's southern border with Westchester County to its northern border with the Town of Kent, is an historic travelway paralleling the Peekskill Hollow Brook and bounded by forested areas, pastures, old homes and steep hillsides; and

WHEREAS the Town is desirous of protecting and preserving the natural scenic and historic qualities of Peekskill Hollow Road and to guard against overdevelopment along its boundaries and excessive and inappropriate vehicular use; and

WHEREAS there was presented to the Town Boards of Putnam Valley and Kent, along with the County of Putnam, a petition bearing 271 signatures and calling for the protection and preservation of Peekskill Hollow Road's rural and historic character; and

WHEREAS the Town Board endorses and supports the goals and objectives set forth in the aforesaid petition; and

WHEREAS the use of Peekskill Hollow Road by large commercial vehicles is destructive of the scenic and rural character of the roadway; and

WHEREAS the signalized intersections Peekskill Hollow Road at Mill Street/Church Road and Oscawana Lake Road have limited turning radii and are not conducive to through traffic by large vehicles; and

WHEREAS the Putnam County Board of Legislators adopted a Resolution designating Peekskill Hollow Road as an historic road pursuant to Chapter 169 of the Putnam County Code;

NOW, THEREFORE, be it

RESOLVED that the Town Board urges the County of Putnam to:

- (a) limit usage of Peekskill Hollow Road to vehicles under 20,000 pounds *maximum gross weight* (except local deliveries); and
- (b) impose a 25 m.p.h. speed limit from the northerly boundary of the Putnam Valley High School property to Oregon Corners.

Fred Pena
COMMISSIONER



John Tully
DEPUTY COMMISSIONER

DEPARTMENT OF
HIGHWAYS & FACILITIES

September 9, 2013

Legislator Carl Albano
Physical Services Committee Chairman
40 Gleneida Avenue
Carmel, New York 10512

Dear Legislator Albano:

I am in receipt of a letter addressed to the Putnam County Legislature and Putnam County Law Department, which references an inspection of a county road, CR 21, also known as Peekskill Hollow Road. The inspection identifies some deficiencies along Peekskill Hollow Road, which includes a deteriorated bridge, deteriorated culverts, narrow road sections and some pavement deterioration. Although the inspection reached beyond the Town of Putnam Valley limits and identifies deficiencies that are common throughout towns, counties and rural state roads, the findings are consistent with inspections performed by the NYSDOT and this Department. The deficiencies noted are part of the county capital improvements program and the county roadway rehabilitation program and will be addressed under these programs. In the interim, under Article 40 section 1650 (4) of the NY Vehicle and Traffic Law this Department will place a temporary weight restriction of vehicles (except for local deliveries) along Peekskill Hollow Road. The temporary ban will allow the county time to study traffic and geometric concerns and how best to resolve these issues. The investigation will cover a wide range of topics and include input from the Planning Department, Law Department, Traffic Safety Board and NYSDOT.

I would like to reassure the Legislature that I will do what I can within my authority to balance the preservation of Peekskill Hollow Road aesthetics, address safety issues and keep Peekskill Hollow Road in a state of good repair. I look forward to carefully selecting improvements that will improve the safety of Peekskill Hollow Road for all those who use it, including school buses, first responders (police, fire, and ambulance), local and county residents and all traveling public.

I would like to thank Supervisor Tendy and Legislator Oliverio for taking the time to provide documentation that supports the need to make safety improvements along Peekskill Hollow Road. It is important that we do all we can to keep Putnam County roads as safe as possible and help educate the local residents of the issues at hand.

Sincerely,

A handwritten signature in cursive script that reads "Fred Pena".

Fred Pena, P.E., Esq.
Commissioner

842 FAIR STREET - CARMEL, NEW YORK 10512
Tel. No.: 845-872-6531 Fax: 845-872-5250

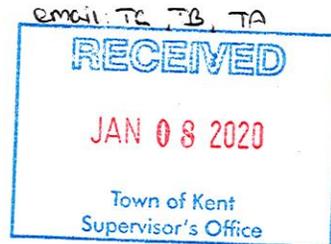


Vincent Sapienza
Commissioner

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



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

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.

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.



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.



Bureau of Water Supply
Watershed Protection Programs

Property Location Map

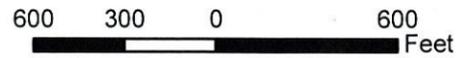
Town of Kent

NYC Parcel ID #9527

Section 21, Block 1, Lot 51
+/- 3.3 acres

Legend

- Subject Parcel
- City-Owned Land
- Conservation Easement, Closed
- Reservoirs, Lakes, and Streams
- Wetlands: DEC- & NWI- Mapped over 5 Acres
- 300/1000 Foot Buffers
- Slope 15% or Greater
- 20-Foot Contours

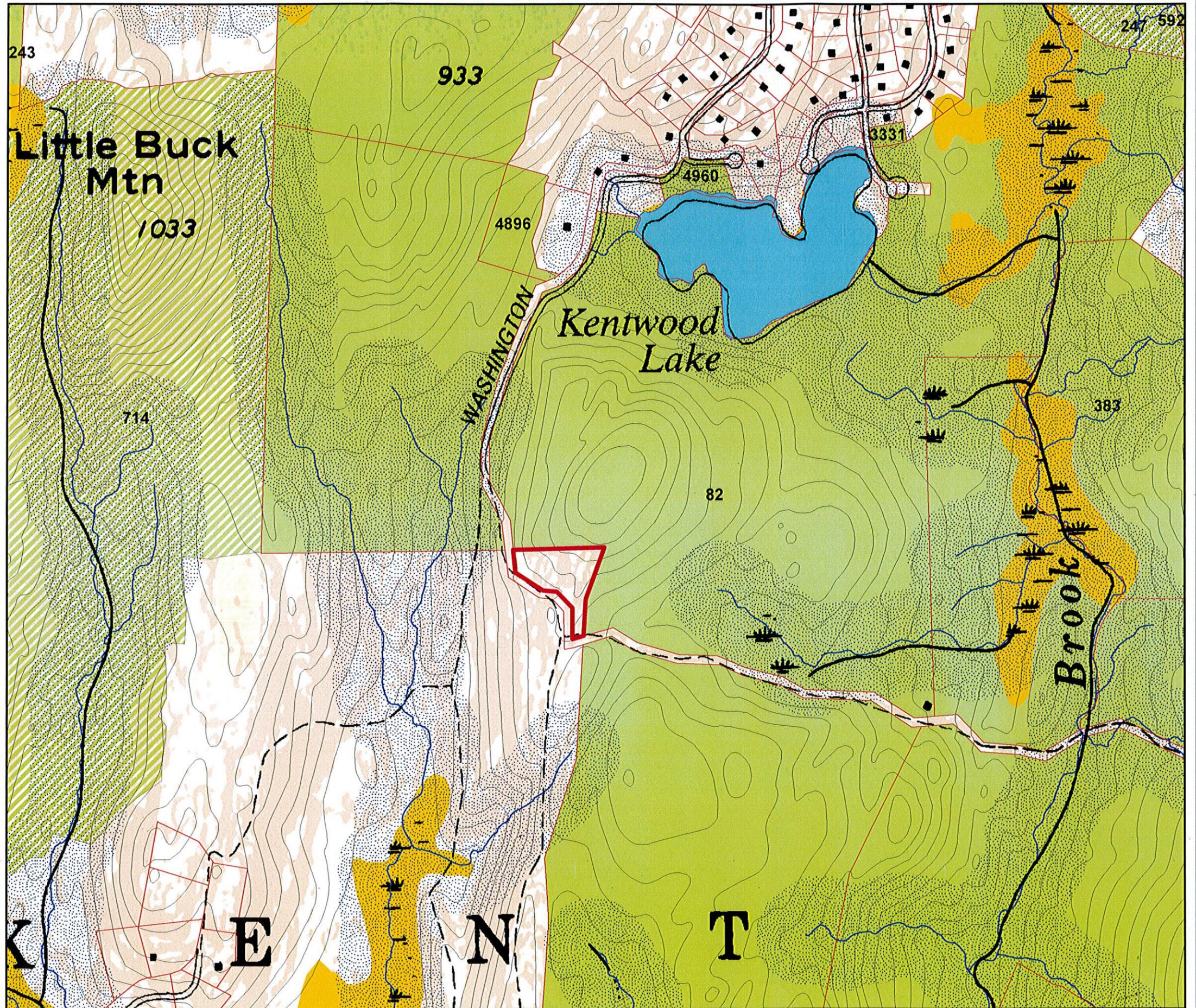


NOTE: GIS data are approximate according to their scale and resolution. They may be subject to error and are not a substitute for on-site inspection or survey

DATA SOURCES:
1:24000 PLANIMETRIS ROADS AND LABEL: NYS DOT 1992
1:24000 HYDROGRAPHY: DIGITIZED BY NYC DEP FROM USGS QUADS AND SCS MAPS 1993
TOPOGRAPHY: HUNTER COLLEGE 30m DEM DERIVED FROM SCANNED CONTOURS OF 1:24000 USGS QUADS 1995
ALL OTHER DATA: NYC DEP GIS 2019

Projection: UTM
Zone: 18
Datum: NAD 83
Units: Meters

Produced by WPP GIS (LML), December 2019



2/29/18
6

Maureen Galway-Perotti

4 411 12
12
12

April 11, 2018

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

Attention: Maureen Fleming / Erika Nitz

Re: Beautification Committee

Dear Ms. Fleming and Nitz,

As a twenty-nine year resident of the Town of Kent who has recently retired from a long and rewarding career in the nursing profession, I now enjoy devoting my energies to volunteer in the community. For the last year I have dedicated considerable time to Putnam Community Action Partnership (CAP) in both the Soup Kitchen and Food Pantry.

While working at CAP I had the pleasure of meeting a member of the Brewster Carmel Garden Club who invited me to partake in their activities. I learned this club does planting at many public sites, including the Brewster Library but does not tend to the grounds at the Kent Public Library (KPL). Having reached out to KPL Director Carol Donick, I was advised the Kent Beautification Committee tends to the library garden.

As an avid gardener I would be interested in assisting the Kent Beatification Committee to enhance the library grounds and other garden areas the Beautification Committee oversees to make our town a more aesthetically pleasing community in which to live.

I hope you have the need for an extra pair of hands with an amateur green thumb, and look forward to hearing from you in the not too distant future.

Very truly yours,

Maureen Galway-Perotti

RECEIVED
KENT TOWN CLERK
2018 APR 12 PM 2:52



CODE ENFORCEMENT

OF THE TOWN OF KENT, PUTNAM COUNTY, N.Y. 10512
845-306-5598

January 16, 2020

From: Zoning Enforcement Officer, Town of Kent:
To: Supervisor Fleming, Town board members, Town of Kent:
Subject: Violations requiring town corrective action:

Enclosed please find violations issued by the undersigned and bids for correction. Site owners have not responded to Notices of Violation.

Locations requiring correction and bids for site:

124 Horsepound Road:

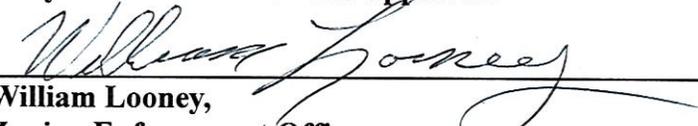
| | |
|------------------------|-------------------------|
| FI Adams Inc. | \$750.00 |
| J Jax Landscaping Inc. | \$700.00 (LOWEST BID) |
| Dirt and Demo Inc. | Failed to submit a bid. |

236 Lakeshore Drive East:

| | |
|------------------------|-------------------------|
| FI Adams Inc. | \$3000.00 (LOWEST BID) |
| Rohna Landscaping Inc. | Failed to submit a bid. |
| Dirt and Demo Inc. | Failed to submit a bid. |

Notices of Violation and bids are enclosed.

For your consideration and approval.



 William Looney,
 Zoning Enforcement Officer,
 Town of Kent.

J JAX LANDSCAPING INC.

23 PROSPECT ST. KINGSTON N.Y. 12401

845-532-3155

WILLIAM LOONEY

January 15, 2020

ZONING ENFORCEMENT OFFICER

TOWN OF KENT

Proposal for 124 Horsepound road in the town of Kent.

Remove all indicated rubbish for a fee of \$700.00.

J Jax Landscaping Inc.

610 Route 292
Holmes, NY 12531 Fiadamsinc@gmail.com
(845)-855-3733 (914)760-8959

FI Adams, Inc.

Estimate

For: Town Of Kent
kentcodes@gmail.com
236 Lake shore Dr East
Carmel, N.Y

Estimate No: 259
Date: 05/15/2019

| Description | Quantity | Rate | Amount |
|--|----------|--------------|-------------------|
| Cut brush, clean up garbage and shed on vacant lot | 1 | \$3,000.00 | \$3,000.00 |
| | | Subtotal | \$3,000.00 |
| | | TAX 0% | \$0.00 |
| | | Total | \$3,000.00 |
| | | Total | \$3,000.00 |



CODE ENFORCEMENT
OF
THE TOWN OF KENT, PUTNAM COUNTY, N.Y. 10512
845-306-5598
KENTCODES@GMAIL.COM
ORDER TO REMEDY VIOLATION

Location: 124 Horsepound Rd Kent, NY

Map NO: 33.17-1-81

Date: 12/16/2019

TO:

George Ondek
124 Horsepound Rd
Carmel, NY 10512

PLEASE TAKE NOTICE: THERE EXISTS A VIOLATION OF:

Town of Kent Municipal Code\Chapter 55a-Property Maintenance Code\Section 11 Subs B-1-A- Rubbish

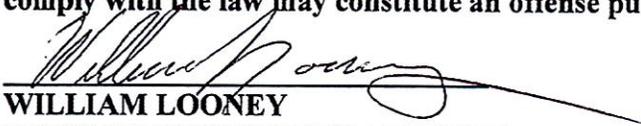
at premises hereinafter described in that:

RUBBISH: OWNER/AGENT HAS FAILED TO MAINTAIN SITE FREE OF RUBBISH AS DESCRIBED BY CODE.

OWNER/AGENT MUST REMOVE ALL SUCH DESCRIBED DEBRIS FROM SITE.

OWNER/AGENT MUST NOTIFY THIS OFFICE WITHIN TEN DAYS OF A PROPOSAL TO REMEDY THE AFOREMENTIONED VIOLATION. IF THE REMEDY IS NOT FORTHCOMING THE TOWN OF KENT WILL CONTRACT WITH A VENDOR TO CORRECT THE VIOLATION AND THE FEE CHARGED WILL BE CHARGED TO THE PROPERTY OWNER OR THE TAX ASSESSMENT LEVIED ON THE SITE.

YOU ARE THEREFORE DIRECTED AND ORDERED to comply with the law and remedy the conditions above mentioned. Failure to remedy the conditions aforesaid and to comply with the law may constitute an offense punishable by fine or imprisonment or both.


WILLIAM LOONEY
ZONING ENFORCEMENT OFFICER
TOWN OF KENT









CODE ENFORCEMENT
OF
THE TOWN OF KENT, PUTNAM COUNTY, N.Y. 10512
845-306-5598
KENTCODES@GMAIL.COM
ORDER TO REMEDY VIOLATION

Location: 236 Lakeshore Dr E Kent, NY 10512

Map NO: 33.34-1-24

Date: 1/2/2020

TO:

Life Line Child Outreach
77 Kingsboro Ave
Gloversville, NY 12078

PLEASE TAKE NOTICE: THERE EXISTS A VIOLATION OF:

Town of Kent Municipal Code\Chapter 55a-Property Maintenance Code\Section 11 Subs B-1-A- Rubbish

at premises hereinafter described in that:

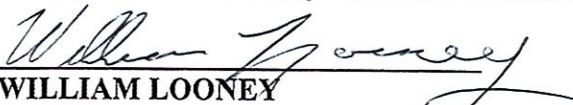
A STRUCTURE (BUILDING) ON SITE DEPICTED IN ENCLOSED PHOTO, IS IN A STATE OF COLLAPSED TIMBERS AND DEBRIS AND MUST BE REMOVED FROM SITE.

RUBBISH: OWNER/AGENT HAS FAILED TO MAINTAIN SITE FREE OF RUBBISH AS DESCRIBED BY CODE INCLUDING ALL METAL, PLASTIC, AND WOOD ITEMS OF DEBRIS.

OWNER/AGENT MUST REMOVE ALL SUCH DESCRIBED DEBRIS FROM SITE.

OWNER/AGENT MUST NOTIFY THIS OFFICE WITHIN TEN DAYS OF A PROPOSAL TO REMEDY THE AFOREMENTIONED VIOLATION. IF THE REMEDY IS NOT FORTHCOMING THE TOWN OF KENT WILL CONTRACT WITH A VENDOR TO CORRECT THE VIOLATION AND THE FEE CHARGED WILL BE CHARGED TO THE PROPERTY OWNER OR THE TAX ASSESSMENT LEVIED ON THE SITE.

YOU ARE THEREFORE DIRECTED AND ORDERED to comply with the law and remedy the conditions above mentioned. Failure to remedy the conditions aforesaid and to comply with the law may constitute an offense punishable by fine or imprisonment or both.


WILLIAM LOONEY
ZONING ENFORCEMENT OFFICER
TOWN OF KENT



01-02-2020



05/01/2019

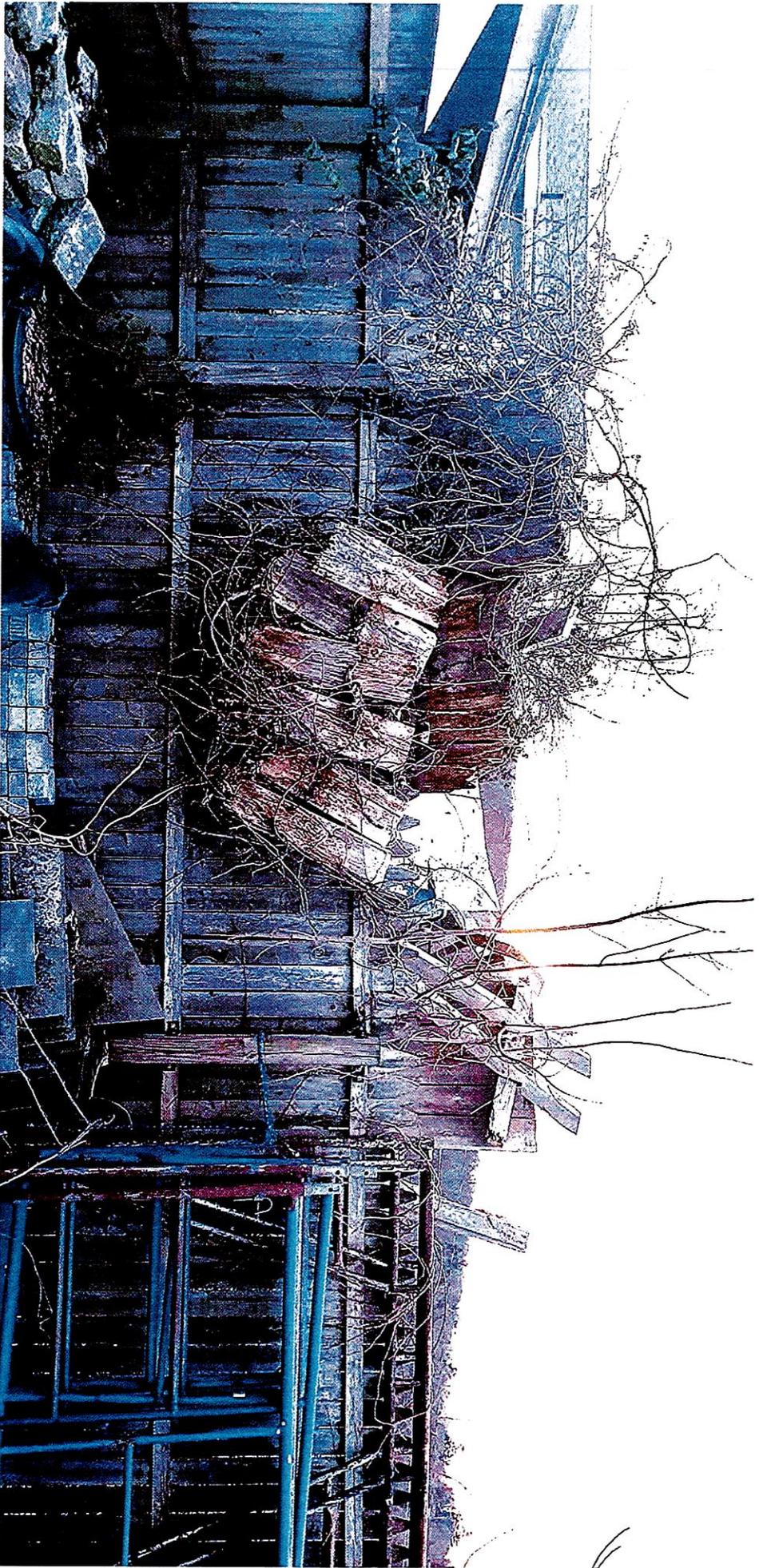


04-25-2019



04-26-2019

04-25-2019



January 15, 2020

To: Maureen Fleming
From: Richard Harris
Subj: Computers and Equipment for Recycle

Attached please find a list of computers and other equipment that need to be destroyed from various departments. These devices have the Hard Drives removed. When the board approves their destruction, The Hard Drives will be destroyed and the remainder of the equipment will be sent to recycle. Any questions or concerns please let me know.

Dell Desktop PC S/N HV5XCC1
Dell Desktop PC S/N 6VSMJD1
Dell Monitor S/N CN-OG2SN6-64180-187-035L
HP Laptop PC (WinVista) S/N CNF7220J0X
ACER Laptop PC (WinVista) S/N LXAXX0X173729107F21601
DELL Desktop PC S/N CBRR821
COMPAQ Desktop PC 6J24JVV2C041
HP Desktop PC S/N MXL3121YQF
HP Desktop PC S/N MXL5401PPL
DELL Desktop PC S/N 9D6WMM1
HP Desktop PC S/N MXL6071JKZ
HP Desktop PC 2UA904016H
HP Desktop PC 2UA4152HMJ
HP Desktop PC 2UA84406WZ
DELL Desktop PC DL00075368
HP Desktop PC MXL0261DKB
DELL Desktop PC 9D6VMM1
HP Desktop PC MXL3041NZZ
Compaq Desktop PC 61MBDF1
HP Deskjet 940C Printer MY24267179
HP Laserjet P1005 Printer VND3807551
Firebox Network Router 8080051196347
Linksys RV042 VPN Router AHY2BJ706245
Princeton Monitor S/N KNAY1712198
Dell Monitor S/N CN-OC5369-64180-49F-33KH
HP Monitor S/N 3CQ8282GRB

Richard Harris
IT Consultant to the Town of Kent



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 and the website for the SEC is 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: _____

PATTERSON CROSSING REALTY, LLC

1699 Route 6, Suite 1 Carmel, New York 10512 (845) 228-1400 FAX: (845) 228-5400

November 12, 2019

Jeffrey S. Battistoni, Esq.
VanDeWater and VanDeWater, LLP
85 Civic Center Plaza, Suite 101
P.O. Box 112
Poughkeepsie, New York 12601

Re: Town of Kent (Patterson Crossing)
Your File No. 11011-023

Dear Mr. Battistoni:

Pursuant to the enclosed letter from you, please find enclosed the following documents executed by Paul Camarda on behalf of the Patterson Crossing Realty Company, LLC as the Developer of Patterson Crossing Retail Center:

1. Three original copies of the Stormwater Management Facilities Inspection and Maintenance Agreement each executed by the Developer before a notary public, together with the TP-584 executed by the Developer;
2. Three original copies of the Stormwater Management Facilities Inspection and Maintenance Easement each executed by the Developer before a notary public, together with the TP-584 executed by the Developer; and
3. Three original copies of the Stormwater Management Facilities Maintenance Agreement executed by the Developer before a notary public each executed by the Developer before a notary public, together with the TP-584 executed by the Developer;

Please call me if you have any questions.

Regards,



Fred Koelsch

VAN DEWATER AND VAN DEWATER, LLP
COUNSELORS AT LAW

John B. Van DeWater (1892-1968)
Robert B. Van DeWater (1921-1990)
James E. Nelson
Gerard J. Comatos, Jr.
Kyle W. Barnett
Daniel F. Thomas III

Rebecca S. Mensch

Danielle E. Strauch
Michael B. Karlsson II
David M. Hall

85 CIVIC CENTER PLAZA, SUITE 101
P.O. BOX 112
POUGHKEEPSIE, NEW YORK 12601

(845) 452-5900
Fax (845) 452-5848

WEBSITE ADDRESS:
www.vandewaterlaw.com

GENERAL E-MAIL ADDRESS:
info@vandewaterlaw.com

Noel deCordova, Jr. (1929-2013)
Edward vK Cunningham, Jr. (1935-2018)
Ronald C. Blass, Jr. (1951-2018)
John K. Gifford
Jeffrey S. Battistoni
Janis M. Gomez Anderson
Counsel

August 5, 2019

Fred Koelsch, Esq., AICP
Director of Realty Investments
Camarda Realty Investments LLC
1699 Route 6, Suite 1
Carmel, New York 10512

Re: Town of Kent (Patterson Crossing)
Our File No. 11011-023

Dear Mr. Koelsch:

Please accept this set of instruments for purposes of execution by the Developer, and return to the Town of Kent:

1. Original Performance Bond for Erosion and Sedimentation Control; Developer should execute before a notary public, and return to the **Town of Kent** with cash collateral of \$24,703.
2. Original Performance Bond for Stormwater Management Facilities; Developer should execute before a notary public, and return to the **Town of Kent** with cash collateral of \$83,543.
3. Three (3) original copies of a Stormwater Management Facilities Inspection and Maintenance Agreement together with recording instrumentation. Regarding the TP-584, please designate the type of entity where flagged on page one, and insert the Federal EIN, before signing where indicated. Regarding the Agreement, Developer should sign all three (3) original copies before a notary, and return to **our office**.
4. Three (3) original copies of a Stormwater Management Facilities Maintenance Agreement among the Town of Patterson, the Town of Kent, and the Project, together with recording instrumentation. Regarding the

TP-584, please designate the type of entity where flagged on page one, and insert the Federal EIN, before signing where indicated. Regarding the Agreement, Developer should sign all three (3) original copies before a notary, and return to **our office**. We then will obtain the signature of the Town of Patterson on the Agreements and the TP-584.

5. Three (3) original copies of a Stormwater Management Facilities Inspection and Maintenance Easement together with recording instrumentation. Regarding the TP-584, please designate the type of entity where flagged on page one, and insert the Federal EIN, before signing where indicated. Regarding the Agreement, Developer should sign all three (3) original copies before a notary, and return to **our office**.

Please call with any questions.

Very truly yours,

VAN DEWATER & VAN DEWATER, LLP

By: 

JEFFREY S. BATTISTONI

JSB/jbo
Enclosures

cc: Maureen Fleming, Supervisor, Town of Kent *(w/o enclosures)*
Phil Tolmach, Planning Board Chairman *(w/o enclosures)*
Vera Patterson, Planning Board Secretary *(w/o enclosures)*
Richard Williams, Sr., Supervisor, Town of Patterson *(w/o enclosures)*