

**TOWN OF KENT
TOWN BOARD MEETING
Tuesday, June 1, 2021**

Workshop/Meeting: 7:00 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Discussion and/or Vote on the following:
 - a. Kent Police Department – swearing in of new officer and retirement acknowledgement
 - b. Recreation – retaining wall at Edward Ryan Memorial Park
 - c. Lake Carmel Fire Department – new members
 - d. Lake Carmel Park District – proposed Town Code changes
 - e. Contract for abandoned cemetery mowing
 - f. Marijuana Regulation & Taxation Act
 - g. Approval of Vouchers and Claims
4. Announcements
5. Public Comment

BID OPENING

Ryan Memorial Park Retaining Wall
March 26, 2021 at noon.

Present: Supervisor Fleming, Town Clerk Cappelli, Recreation Director Kuczenski and two bidders

1. **JP Nilsen Excavating, Inc.** 374 Route 292, Holmes, NY 12531 \$152,850.00 Non-Collusion Certificate submitted.
2. **Precise Enterprises II LTD**, 1903 Albany Post Road, Wallkill, NY 12589. \$215,000.00 Non-Collusion Certificate submitted.
3. **Ben Cozzi**, Inc. PO Box 627, Jefferson Valley, NY 10535. \$312,200.00 Non Collusion Certificate submitted.
4. **CSS Inc.** 30 Hardscrabble Hgts, Brewster, NY 10509. \$144,698.25 Non Collusion Certificate submitted.
5. **Fred Adams**, 691 Farmers Mills Road, Carmel, NY 10512. \$111,000 Non Collusion Certificate submitted.



2021 APR 14 AM 9:28 March 31, 2021

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

RE: Ryan Park Retaining Wall

Dear Ms. Fleming and members of the Board:

Our office is in receipt of the bid submitted by Fred Adams for the above noted project. The proposal submitted by Mr. Adams was the lowest bid price received based on the submitted bid documents, with a total of \$111,000.00.

Please be advised that the bid submitted did not include the optional price reduction to furnish the upper railing with chain-link fence as required by Bid Addendum #1. This should be provided prior to the signing of the contract. Also note that Mr. Adams included an attachment to his bid excluding any additional work required as result of the wall engineering. Significant additional work is not anticipated, as the wall block manufacturer provides guidance as to the likely requirements for construction of the wall, which should be accounted for in the Mr. Adams' bid. We believe that this is a reasonable exclusion, as the Town retains the right to cancel the contract and seek alternative options, if any additional costs based on the structural engineering of the wall become onerous. The local references obtained by Mr. Adams after the bid submission were contacted and their responses noted acceptable performance based on recently completed work.

After reviewing the bid package and contacting contractor listed references, we find their bid package to be acceptable, and recommend they be awarded the contract. For reference, the general scope of work in this contract includes the following items:

- Removal and replacement of a wood tie retaining wall and steps, with a concrete block wall and precast poured in place concrete steps.
- Installation of handrails and safety rails.
- Site grading
- Asphalt replacement
- Guiderail repair
- Parking lot restriping

If you have any questions or comments regarding this information, please feel free to contact our office.

Very truly yours,

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

By:


John M. Watson, PE
Senior Principal Engineer

JMW/adl

cc: Jared Kuczenski (email only)
Lana Cappelli (email only)

Insite File No. 20180.100

3 Garrett Place, Carmel, New York 10512 (845) 225-9690 Fax (845) 225-9717
www.insite-eng.com

Z:\E\20180100 Ryan Park Kent\Correspondence\210331ktb.doc

**Fred Adams
691 Farmers Mills Road
Carmel, New York 10512
(845-225-8123)**

March 24, 2021

**Town of Kent
Town Clerk's Office
25 Sybil's Crossing
Kent Lakes, New York 10512**

**RE: Edward Ryan Memorial Park/Town of Kent
Construction of a Retaining Wall**

**Furnish and supply all labor and materials to construct the
retaining wall at Ryan Memorial Park, Town of Kent as per plans
provided by Insite Engineering, Surveying & Landscape
Architecture, P.C.**

**3 Garrett Place
Carmel, New York 10512**

\$111,000.00

No Tax

Comments:

**Any additional work occurred due to the 2nd engineered wall
plans will be submitted to the Town of Kent for approval before
installation.**



Lake Carmel Fire Department

851 Route 52
Carmel, NY 10512

Phone: (845) 225-3730 – Fax: (845)225-0460

3c



Chief

Justyn Lewis

President

R. Benson

1st Asst. Chief

K. Launzinger

Vice President

2nd Asst. Chief

Ed Schaeffler Jr.

D. Lowndes

May 23, 2021

Dear Town Board,

This letter is to request the approval and appointment of Elaina Nacinovich, Jeffrey Lawrence, & Heather Sorenson to the active roles of the Lake Carmel Fire Department.

If you should have any questions or concerns please do not hesitate to contact me at [redacted]. Thank you in advance for your time and diligence in appointing this new member to the roles of the Lake Carmel Fire Department.

Best Regards,

Justyn Lewis CFEL, CVFI, FIT SFI
Chief of Department
Lake Carmel Fire Department.

Tamara Harrison

From: wrecher@
Sent: Tuesday, May 25, 2021 9:57 AM
To: Maureen Fleming; Jamie McGlasson; Christopher Ruthven
Cc: Tamara Harrison; 'Rob Ulich'; 'Cathy Wargas'; 'Patricia C. Madigan'; Lake Carmel Parks Clerk
Subject: LCPD Rules and Regulations - Request for Public Meeting
Attachments: DOC030321-001.pdf; LAKE CARMEL PARK DISTRICT RULES AND REGULATIONS AB REVISIONS 5 25 21.docx

TOWN OF KENT NOTICE

THIS EMAIL IS FROM AN EXTERNAL SENDER!

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

Greetings Madam Supervisor, Councilwoman McGlasson, and Councilman Ruthven,

Following the Town Board Meeting earlier this year, our LCPDAB met to review our recommendations for the LCPD Rules and Regulations, and comments and edits shared by you Maureen, and updated our recommendations you shared.

These are the significant changes now included in the attached edited version:

1. Changed back to original: *The use of the beach areas shall be restricted to all property owners and their lessees and the members of their immediate families and their guests*, and inserted it into all sections, to make for the consistency we agreed on.
2. Changed registration stickers to distinguish property owners from renters- see attached
3. Changed *All property owners and their lessees and the members of their immediate families persons maintaining boats on Lake Carmel*
4. Change Beach Use Application attachment to: *Park District Property Application*, and changed this section to read: *Picnics are allowed by any group or individual residents, up to 12 people. For any group over 12, advanced permission must be requested and Lake Carmel Park Property Special Use Application, and granted by the Town of Kent.*
5. Changed commercial vehicles section to: **B. Commercial vehicles shall not be allowed within said parkland except as may be necessary for building or construction purposes or for the rendering of some necessary and useful service, or those vehicles owned and/or resident employer-owned vehicles and used by residents necessary for their transportation to and from their work.**
6. Changed: *Pursuant to § 198, Subdivision 4, of the Town Law, the operation of motorboats, airplanes, drones, or any internal combustible vehicles with the exception of electric trolling motors on Lake Carmel in Park District No. 1 of the Town of Kent is hereby prohibited.*
7. Changed from Arts on the Lake to: No person shall take into, carry through, leave in or throw, cast, lay, drop or discharge into or on any park or park road, with the exception of that area leased to **Lake Carmel Fire Department No. 1, Tenants at 640 Route 52 Tax #33.-1-76** any glass container of any sort, including but not limited to bottles, jars and glasses. And:
8. **§ 50-19Alcoholic beverages.** No person shall enter or remain upon any parklands of Park District No. 1, with the exception of that area leased to **Lake Carmel Fire Department No. 1, Tenants at 640 Route 52 Tax #33.-1-76** while in possession of any alcoholic beverage.

Other edits recommended, notably the fines doubling, we decided to keep as our recommendations, for the most part, as we continue to see littering and violations and, short of new signage that we plan to request connected to these changes, an enforcement thereof, we are not hopeful that any changes to behavior and practice by the public would take place.

Please let us know when a meeting with the public can be scheduled. We are hopeful we can do so before our Lake 4th of July fireworks an end to the summer season.

Thank you.

Walt

Walter Recher
LCPDAB Chairperson

From: Maureen Fleming <mffleming@townofkentny.gov>
Sent: Wednesday, March 3, 2021 2:06 PM
To: _____
Cc: Christopher Ruthven <cruthven@townofkentny.gov>; Jamie McGlasson <jmcglasson@townofkentny.gov>; _____; jfle
_____ ; Tamara Harrison <tharrison@townofkentny.gov>; Lake Carmel Parks Clerk
<lcpcclerk@townofkentny.gov>
Subject: Changes to Town Code

Walter –

As promised, Park District #1 Code with changes suggested by the LCPDAB and my comments.

Maureen Fleming

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



PARK DISTRICT # 1 (LAKE CARMEL PARK DISTRICT)

§ 50-1 Definitions.

The following terms, wherever used in this chapter, shall have the respective meanings assigned to them unless another meaning clearly appears from the context:

DEFINE "BOATS

Clarify Lake Boundaries

** Has this been done by the LCPDAB ?*

BATHING AREA

Any beach, shore or area designated as a "bathing area," including the water area and lands underwater adjacent to said area and the docks and structures therein.

OWNER

Any person owning or having the use, possession or control of a vehicle, animal or other property by lease or otherwise.

PARK DISTRICT NO. 1

All of the parks, playgrounds, athletic fields, tennis courts, swimming pools, beaches, boardwalks, piers, docks and other recreational areas, open places, roadways, roads, paths, walks, waters and lands underwater and other appurtenances as the same shall be utilized, whether now owned or hereafter acquired by the Town of Kent. Said district shall be defined as all that property shown on a certain map entitled "Lake Carmel, Town of Kent, Putnam County," filed in the Putnam County Clerk's office May 17, 1930, as Map No. 130-1, 130-AA, 130-BB, 130-CC, 130-DD, 130-EE, 130-FF, 130-GG, 130-HH, 130-I, 130-J, 130-K, 130-L and 130-MM, excepting therefrom any exclusion of record.

PERMIT

Any written authorization issued by the Town Clerk of the Town of Kent or other authorized individual for a specified privilege within the aforesaid park district.

PERSON

Any natural person, corporation, association, society, organization, firm or partnership.

POLICE OFFICER

Any member of the police force of the Town of Kent, or any constable, sheriff or deputy sheriff assigned by the Town Board of the Town of Kent or other proper authority to duties in said park district.

§ 50-2 Interpretation and scope.

The interpretation of these rules and regulations and provisions shall be construed as follows:

A.

Any term in the singular shall include the plural.

B.

Any term in the masculine shall include the feminine and neuter.

C.

Any requirement or provision involving any act shall include the causing, procuring, aiding or abetting, directly or indirectly, of such act, or the permission or allowance of any minor in the custody of any adult, doing any act prohibited herein.

D.

These provisions shall not make unlawful any act necessarily performed by any officer or employee in the line of duty or work.

E.

Any act performed hereunder which might be otherwise unlawful shall be lawful if performed under or pursuant to a permit, except that it be not otherwise prohibited by any local law or ordinance.

§ 50-3 Access to park by residents.

Residents, inhabitants and taxpayers of Park District No. 1 shall at all times have access to and may enter upon and use the privileges appurtenant to the parklands defined herein. However, at such times when deemed necessary by the proper authorities in the interests of public safety, welfare or emergency, such access to said parklands and permission to use said parklands may be revoked for any period of time necessary.

§ 50-4 Identification; car stickers.

A.

All residents, inhabitants and taxpayers of said Park District No. 1 shall be required to obtain a Park District photo ID for identification at Park District beaches. Residents shall produce their Park District photo ID when called upon to do so by any authorized representative of the Town Board or any person assigned to such duty by the Town Board or its agents. All other persons shall be required to display a permit issued pursuant to **§ 50-4** hereof.

[Amended 10-19-2009 by L.L. No. 7-2009]

B.

The use of the beach areas shall be restricted to **all residents, inhabitants and taxpayers property owners??**, their lessees and the members of their immediate families and their guests. Only those persons shall be admitted to beach areas who are properly identified as members of those groups named above. All motor vehicles and other vehicles shall have their identification verified by a car sticker to be issued **each year every 4 years** by the Lake Carmel Park District. These stickers are to be issued for each motor vehicle or other vehicle belonging to the residents and owners of the park district upon presentation of a paid tax bill covering the current year. These stickers may be obtained at the Town Hall during regular business hours.

The existing language covers all possible scenarios more accurately. It is a 4 yr cycle for property owners? a 1 year cycle for renters

§ 50-5 Boat registration.

[Amended 11-24-1986 by L.L. No. 5-1986; 4-20-1998 by L.L. No. 2-1998]

A.

Registration stickers.

[Amended 5-20-2002 by L.L. No. 2-2002]

(1)

All **persons all residents, inhabitants and taxpayers** maintaining boats on Lake Carmel shall register each boat with the Town of Kent Park District Office. The Park District Office will assign a number and will issue two registration stickers to each boat, free of charge. However, boat owners shall be charged a replacement fee, as set from time to time by resolution of the Town Board, for the reissuance of a registration sticker that has been lost or misplaced. The Park District Office shall provide the registration numbers to the Kent Police Department.

You cannot have a boat on the lake if you do not meet the criteria above so "persons" is appropriate.

[Amended 4-20-2009 by L.L. No. 3-2009; 11-15-2011 by L.L. No. 6-2011]

(2)

The number and registration stickers must be displayed on both sides of the boat. The numbers must be displayed in characters at least three inches high. If a boat is not registered or if a boat is abandoned within the judgment of the park officials, the same shall be impounded by the park officials, and a charge of **\$75 \$150** shall be collected before the same is returned. Said **\$75 \$150** shall be added to the Park District funds.

Doubling the fees seem excessive especially since the lost pass fee was eliminated at the request of a member of the LCPDAB because she represented that the \$50 guest pass replacement fee was burdensome and the electric trolling motor fee was reduced from \$40 to \$25 because another member felt \$40 was also excessive.

B.

All boats shall be removed from the Park District property around Lake Carmel for the period of time from November 1 until March 15. Within two weeks after November 1 of each year, the Town Board shall notify the owner to remove his or her boat. Any person found guilty of a violation will result in the park officials impounding said boat. A charge of **\$75 \$150** shall be collected before the same is returned. Said charge of **\$75 \$150** shall be added to the Park District funds.

[Amended 5-20-2002 by L.L. No. 2-2002]

Again -
doubling
the fee
seems
excessive.

Many people who do
this are ill, old or
have extenuating
circumstances

C.

Life preservers. Wearable Life Jackets

(1)

There shall be one **life preserver Wearable Life Jackets** in any boat on Lake Carmel for each occupant of said boat. Life preservers shall conform to United States Coast Guard standards.

(2)

Occupants of boats, who are under 13 years of age, must wear approved life preservers while on the water of Lake Carmel. However, between **March 15 November 15** and May 1, all persons, regardless of age, must wear approved life preservers while on the water of Lake Carmel.

[Amended 11-15-2011 by L.L. No. 6-2011]

November
1 as
per NYS
Boater's
Guide

(3)

Any person found guilty of a violation of Subsection **C(1)** or **(2)** of this section shall, upon conviction thereof, be subject to:

(a)

A restriction of lake privileges for one week for a first offense.

(b)

A fine of **\$25 \$50** for a second or subsequent offense along with the revocation of the boat registration.

Again -
doubling

(4)

Any owner or registrant who permits a boat to be on the waters of Lake Carmel in violation of any provision of this section shall be guilty of an infraction as above stated.

D.

No boat shall be allowed on the waters of Lake Carmel that is over 20 feet in length from bow to stern, and 12 feet wide. No floating device shall be allowed on the waters of Lake Carmel that is over 20 feet from one end to the other lengthwise or more than six feet in width. *12 feet seems very wide*

[Amended 8-1-1988 by L.L. No. 4-1988]

§ 50-6 Curfew.

[Amended 11-19-1979 by L.L. No. 6-1979; 11-24-1986 by L.L. No. 5-1986]

There is hereby imposed a curfew on bathing areas and bathing area parking lots. Curfew hours shall be from 9:30 p.m. until 6:00 a.m.

§ 50-7 Preservation of plant life.

A.

No person shall, in any park or park street, destroy, cut, break, deface, mutilate, injure, disturb, sever from the ground or remove any growing thing, including, but not limited to, any plant, flower, flower bed, shrub, tree, growth, or any branch, stem, fruit or leaf thereof.

B.

No person shall bring into any park or park street any tool or instrument such as a hatchet, axe or saw for the cutting of any living thing.

C.

No person shall bring into the park any spade, shovel, rake, hoe or any of the so-called garden or agricultural implements or tools for the removal of any tree, shrub or plant.

D.

No person shall pile or maintain any material or debris of any kind against or upon any tree, shrub, grass or plant.

E.

No person shall attach any rope, cable or other contrivance to any tree, shrub or other plant, with the notable exception of a registered boat or floating device. *Attaching boats to trees, shrubs and plants is problematic for the plants*

F.

No person shall set fire or assist another to set fire to any timber, tree, shrubs, plants, flowers, grass or plant growth, or suffer any fire upon other land to extend into parklands. *and our crew.*

G.

No person shall hitch any horse or other animal to, or leave the same standing near enough so as to injure, any lawn or grass plot.

H.

No person shall go upon any tree, shrub, grass or plant, except at such times when permission to do so shall have been given by the Town Board to the public.

§ 50-8 Rubbish and refuse; pollution. [1]

A.

Rubbish and refuse matter. No person shall take into, carry through, leave in, or throw, cast, lay, drop or discharge into or on, or suffer or permit any servant, agent, employee or person in his or her charge to take into, carry through, leave in, throw, cast, lay, drop or discharge into or on, any park or park street any rubbish of any sort, including, but not limited to, ashes, dross, cinders, shells, fruit, fruit skins, vegetable foodstuff, paper, pasteboard, dirt, sand, oil, grease, clay, loam, stone or building rubbish, hay, straw, oats, sawdust, shavings, or manufacturing, trade or household waste, vehicles or parts thereof as junk, old iron or other metal, or objects made therefrom; or sick, diseased or dead animals, organic refuse or other offensive matter, including swill, brine, urine, offal, fecal matter, garbage or rubbish; **provided that in the morning before 8:00 a.m. or before the first sweeping of the roadway of the park street by the street cleaners, dust from the sidewalk may be swept into the gutter, if there piled, but not otherwise.**

B.

Spitting prohibited. No person shall, in any park or park street, spit upon any walk, crossing, safety zone, structure, bridge, platform, stairway or floor of any building.

C.

Pollution of waters. No person shall throw, cast, lay, drop or discharge into or leave in the waters used for bathing or waters in any park or in any storm sewer or drain flowing into said waters, any substance, matter or thing, liquid or solid, which may or shall result in the pollution of said waters.

D.

Drains and sewers. No person shall discharge, directly or indirectly, into any opening or into any gutter leading into any sewer, receiving basin or drain, in or leading into any park or park street, any gas or vapor or any substance which may form a deposit tending to choke same, or any volatile liquid which will emit an inflammable vapor at a temperature below 160° F., or any steam or hot water above 100° F.

E.

Protection of bathing area. No person shall throw, cast, lay or deposit any bottle or piece of crockery, or any glass or glassware or any part thereof, or metallic or other substance with sharp edges or projections, on any beach or bathing area in, on or adjoining any park.

*NYS uses the term "bathing area".
To add "beach" is redundant
& unnecessary.*

[1]

Editor's Note: See Ch. 40, Garbage and Refuse; Landfill.

§ 50-9 **Firearms and weapons.**

No person shall have or carry, whether or not concealed upon his person, any pistol or revolver, or any instrument or weapon commonly known as a "toy pistol" or in which or upon which loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition therefor, except when so authorized by law. No person shall use any rifle, shotgun or fowling piece, or any air gun, spring gun or other instrument or weapon in which the propelling force is a spring or air, within the confines of Park District No. 1.

§ 50-10 **Dogs.** [1]

No dogs shall be allowed at any time on the designated beaches, and the owners of or persons harboring such dogs or otherwise responsible for such dogs shall be liable for violation of this provision of this chapter.

[1]

Editor's Note: See Ch. 32, Dogs and Other Animals.

§ 50-11 **Picnics and outings.**

No picnics, outings, gatherings or similar groups shall be permitted at any time upon the parkland except by permission of the Town Board.

Picnics are allowed by any group or individual residents, up to 12 people. For any group over 12, advanced permission must be requested and granted by the Town of Kent. *

§ 50-12 **General conduct.**

Any person shall be guilty of violating these rules and regulations for the following:

A.

Disobeying an order of a police officer, playground director, parking attendant or other person designated by the Town Board to give orders, or disobeying the notices, prohibitions, instructions or directions on any park sign.

B.

Using threatening, abusive or insulting language.

C.

Doing any obscene or indecent act.

D.

Throwing stones or other missiles.

E.

Solicitation of any kind is not allowed within Lake Carmel Park Department property.

Soliciting alms, subscriptions or contributions for any purpose.

F.

* This change should exclude bathing areas. There is a Beach Use Application already in use (see attached) and a fee involved.

Annoying persons.

G.

Interfering with, encumbering, obstructing or rendering dangerous any drive, path, walk, dock, beach, boardwalk or public place.

H.

Climbing or lying upon any wall, fence, shelter, seat, statue, monument, boardwalk or other structure.

I.

Doing any act tending to or amounting to a breach of peace.

J.

Entering or leaving any restricted park area except at established entranceways or exits or at established times; or using or gaining admittance to, or attempting to use or gain admittance to, the facilities in any park.

K.

Introducing, carrying or firing firearms, firecrackers, torpedoes or fireworks, except as provided by § 50-9 hereof.

L.

Engaging in, instigating, aiding or encouraging a contention or fight, whether or not a ring fight or prizefight.

M.

Assaulting any person.

N.

Doing, aiding, abetting or assisting in doing any act injurious to any person, animal or property within any park or on any park street not specifically prohibited herein.

O.

Acting as crier or advertiser, through the media of voice, public address system or other mechanical device, on beaches or boardwalks or in the vicinity of same.

P.

Dressing or undressing in autos, trucks, buses or other conveyances or anywhere within the parkland except in such places as may be designated or maintained by the Park District for such purpose.

Q.

Feeding any waterfowl on Lake Carmel and anywhere along the shores of Lake Carmel is prohibited. The shores on Lake Carmel for purposes of this section shall be defined as the land extending from the shoreline to the pavement of the nearest roadway.

[Added 12-7-1987 by L.L. No. 6-1987]

§ 50-13 **Traffic control.** [1]

A.

The speed limit for all vehicles within the area of said parkland may be provided for by the Town Board and designated by suitable signs on the roads and roadways in the parkland. All owners and operators of motor vehicles and other vehicles shall comply with the Vehicle and Traffic Law of the State of New York while operating any vehicle within the parkland, with such modifications of said law as provided for herein.

B.

Commercial vehicles shall not be allowed within said parkland except as may be necessary for building or construction purposes or for the rendering of some necessary and useful service, *or those vehicles owned and* ^{*} *used by residents necessary for their transportation to and from their work.*

** add /or - sometimes vehicles used by resident are employer owned*

C.

The Town Board may designate and limit such roads and roadways as in its discretion may be used for the operation of any commercial vehicle.

D.

Nothing in this section shall apply to vehicles and apparatus of the Fire Department, Police Department or public service emergency vehicles when in such parkland in case of fire or other emergency.

E.

No person shall cause or permit any motor vehicle or other vehicle unnecessarily to obstruct traffic on any road, street or roadway, or stop or park except at such places as may be designated, except in case of emergency. This provision shall be deemed to include parking at night.

F.

Parking of any motor vehicle or other vehicle is prohibited on the lakeshore side of any road abutting Lake Carmel.

[Added 7-1-1991 by L.L. No. 3-1991]

[1]

Editor's Note: See Ch. 72, Vehicles and Traffic.

§ 50-14 **Structures.**

A.

The Town Board shall have the right to remove or cause to be removed any and all existing projections, encroachments, docks, piers and other impediments when, in the opinion of the Town Board, such removal shall be necessary or desirable for the improvement of the parkland.

B.

Hereafter, no person shall erect a wharf, pier or other structure on the park property without obtaining the prior consent of the Town Board by resolution passed at a meeting of the Town Board duly called and held, and such resolution, if passed, shall provide appropriate safeguards to assure that the structure, when erected, shall be available to all the inhabitants of the Park District.

§ 50-15 Motorboats, and airplanes and drones.

Pursuant to § 198, Subdivision 4, of the Town Law, the operation of motorboats, airplanes, **drones**, or any internal combustible vehicles with the exception of ~~trolling~~ ^{*t} **Motors** on Lake Carmel in Park District No. 1 of the Town of Kent is hereby prohibited. ^{*electric}

§ 50-16 Penalties for offenses.

[Amended 11-24-1986 by L.L. No. 5-1986]

Any person found guilty of a violation of this chapter or any part thereof or any rule or regulation made thereunder, that does not have its own penalty provision, shall, upon conviction thereof, be subject to a fine of not more than \$250 or to imprisonment of not more than 15 days, or to both such fine and imprisonment.

§ 50-17 Fishing restrictions.

[Added 8-2-1976 by L.L. No. 6-1976]

A.

In the interest of public safety, no fishing shall be permitted along Route 311 where Route 311 crosses Lake Carmel at any time, nor within any bathing area. **during the months of June through September, inclusive.**

[Amended 12-7-1987 by L.L. No. 7-1987]

why is this being removed?

B.

Any person violating any of the provisions of this section shall be liable for and shall pay a penalty not exceeding **\$50.****\$100.**

Again - why double?

§ 50-18 Glass containers.

[Added 4-2-1979 by L.L. No. 2-1979]

No person shall take into, carry through, leave in or throw, cast, lay, drop or discharge into or on any park or park road, with the exception of that area leased to **Lake Carmel**

Fire Department No. 1, Arts on the Lake any glass container of any sort, including but not limited to bottles, jars and glasses.

§ 50-19**Alcoholic beverages.**

[Added 4-2-1979 by L.L. No. 2-1979]

No person shall enter or remain upon any parklands of Park District No. 1, with the exception of that area leased to **Lake Carmel Fire Department No. 1, Arts on the Lake** while in possession of any alcoholic beverage.

§ 50-20**Certain passage prohibited.**

[Added 7-1-1991 by L.L. No. 5-1991]

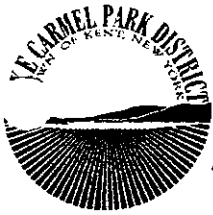
No entry shall be permitted from Champlain Drive onto Terry Hill Road, nor entry from Terry Hill Road onto Champlain Drive. A physical barrier, removable only in case of emergency, shall be erected to prevent passage on Champlain Drive either from or to Terry Hill Road.

§ 50-21**Smoking prohibited on beaches.**

[Added 10-30-2006 by L.L. No. 2-2006; amended 11-27-2006 by L.L. No. 3-2006]

Smoking on any and all of the beaches located within Park District No. 1 in the Town of Kent is strictly prohibited. For the purposes of this section, "smoking" shall include cigarettes, cigars, pipes and any other form of smoking

Perhaps
id w/ tax
map number to
avoid the issue in
the future if the
property
changes
hands or ArtL
undergoes a
name change



LAKE CARMEL PARK DISTRICT

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

(845) 306-5602

Fax (845) 225-5130

Email: lcpdclerk@townofkentny.gov

LAKE CARMEL PARK DISTRICT BEACH USE APPLICATION (Applicant must be 21 years of age or older)

Date: _____
Organization or Individual Name (Applicant): _____
(MUST BE 21 OR OLDER)
Street Address: _____
Home Phone: _____ Work Phone: _____ Cell Phone: _____
Email Address: _____

Information About Intended Use

Beach Requested: _____
Date Requested: _____ Time: _____ to _____
Purpose of Use: _____
Maximum No. of People Attending: Adults: _____ Children: _____
Will any of the following be involved? Food _____ Band _____ Decorations _____ Chairs# _____ Tables # _____
Other Info: _____
Submitted By: _____ Time: _____ Date: _____

Reservations are made on a first come first served basis.

Reservations are not confirmed until the application is reviewed, all required documentation is received and full payment is received

All documentation must be on file at least 48 hours prior to the scheduled event, or the Town of Kent has the right to deny use of the requested beach.

Reservations must be cancelled five (5) business days in advance to qualify for a refund.

NO REFUND will be issued due to inclement weather.

(To be Completed by Lake Carmel Park District Staff)

Application Received By: _____ Date: _____
Application Approved/Denied by: _____ Date: _____
Status: Approved: _____ Denied: _____ Date: _____
Payment: Total Due: \$ _____ Rec. By: _____ Payment Method: _____ Receipt #: _____
Proof of Residency: _____
Insurance: Not Required: ☐ Required: ☐ Initials: _____ Received Attached: _____

PARK DISTRICT # 1 (LAKE CARMEL PARK DISTRICT)

§ 50-1Definitions.

The following terms, wherever used in this chapter, shall have the respective meanings assigned to them unless another meaning clearly appears from the context:

BATHING AREA

Any beach, shore or area designated as a "bathing area," including the water area and lands underwater adjacent to said area and the docks and structures therein.

OWNER

Any person owning or having the use, possession or control of a vehicle, animal or other property by lease or otherwise.

PARK DISTRICT NO. 1

All of the parks, playgrounds, athletic fields, tennis courts, swimming pools, beaches, boardwalks, piers, docks and other recreational areas, open places, roadways, roads, paths, walks, waters and lands underwater and other appurtenances as the same shall be utilized, whether now owned or hereafter acquired by the Town of Kent. Said district shall be defined as all that property shown on a certain map entitled "Lake Carmel, Town of Kent, Putnam County," filed in the Putnam County Clerk's office May 17, 1930, as Map No. 130-1, 130-AA, 130-BB, 130-CC, 130-DD, 130-EE, 130-FF, 130-GG, 130-HH, 130-I, 130-J, 130-K, 130-L and 130-MM, excepting therefrom any exclusion of record.

PERMIT

Any written authorization issued by the Town Clerk of the Town of Kent or other authorized individual for a specified privilege within the aforesaid park district.

PERSON

Any natural person, corporation, association, society, organization, firm or partnership.

POLICE OFFICER

Any member of the police force of the Town of Kent, or any constable, sheriff or deputy sheriff assigned by the Town Board of the Town of Kent or other proper authority to duties in said park district.

§ 50-2Interpretation and scope.

The interpretation of these rules and regulations and provisions shall be construed as follows:

A.

Any term in the singular shall include the plural.

B.

Any term in the masculine shall include the feminine and neuter.

C.

Any requirement or provision involving any act shall include the causing, procuring, aiding or abetting, directly or indirectly, of such act, or the permission or allowance of any minor in the custody of any adult, doing any act prohibited herein.

D.

These provisions shall not make unlawful any act necessarily performed by any officer or employee in the line of duty or work.

E.

Any act performed hereunder which might be otherwise unlawful shall be lawful if performed under or pursuant to a permit, except that it be not otherwise prohibited by any local law or ordinance.

§ 50-3Access to park by residents.

Residents, inhabitants and taxpayers of Park District No. 1 shall at all times have access to and may enter upon and use the privileges appurtenant to the parklands defined herein. However, at such times when deemed necessary by the proper authorities in the interests of public safety, welfare or emergency, such access to said parklands and permission to use said parklands may be revoked for any period of time necessary.

§ 50-4Identification; car stickers.

A.

All residents, inhabitants and taxpayers of said Park District No. 1 shall be required to obtain a Park District photo ID for identification at Park District beaches. Residents shall produce their Park District photo ID when called upon to do so by any authorized representative of the Town Board or any person assigned to such duty by the Town Board or its agents. All other persons shall be required to display a permit issued pursuant to **§ 50-4** hereof.

[Amended 10-19-2009 by L.L. No. 7-2009]

B.

The use of the beach areas shall be restricted to all property owners and their lessees and the members of their immediate families and their guests. Only those persons shall be admitted to beach areas who are properly identified as members of those groups named above. All motor vehicles and other vehicles shall have their identification verified by a car sticker to be issued **each year every 4 years for residents, and each year for renters** by the Lake Carmel Park District. These stickers are to be issued for each motor vehicle or other vehicle belonging to the residents and owners of the park district upon presentation of a paid tax bill **or rent bill** covering the current year. These stickers may be obtained at the Town Hall during regular business hours.

§ 50-5 Boat registration.

[Amended 11-24-1986 by L.L. No. 5-1986; 4-20-1998 by L.L. No. 2-1998]

A.

Registration stickers.

[Amended 5-20-2002 by L.L. No. 2-2002]

(1)

All **property owners and their lessees and the members of their immediate families persons** maintaining boats on Lake Carmel shall register each boat with the Town of Kent Park District Office. The Park District Office will assign a number and will issue two registration stickers to each boat, free of charge. However, boat owners shall be charged a replacement fee, as set from time to time by resolution of the Town Board, for the reissuance of a registration sticker that has been lost or misplaced. The Park District Office shall provide the registration numbers to the Kent Police Department.

[Amended 4-20-2009 by L.L. No. 3-2009; 11-15-2011 by L.L. No. 6-2011]

(2)

The number and registration stickers must be displayed on both sides of the boat. The numbers must be displayed in characters at least three inches high. If a boat is not registered or if a boat is abandoned within the judgment of the park officials, the same shall be impounded by the park officials, and a charge of **\$75 \$125** shall be collected before the same is returned. Said **\$75 \$125** shall be added to the Park District funds.

B.

All boats shall be removed from the Park District property around Lake Carmel for the period of time from November 1 until March 15. Within two weeks after November 1 of each year, the Town Board shall notify the owner to remove his or her boat. Any person found guilty of a violation will result in the park officials impounding said boat. A charge of ~~\$75~~ ~~\$125~~ shall be collected before the same is returned. Said charge of ~~\$75~~ ~~\$125~~ shall be added to the Park District funds.

[Amended 5-20-2002 by L.L. No. 2-2002]

C.

~~Life preservers.~~ ~~Wearable Life Jackets~~

(1)

There shall be one ~~life preserver~~ ~~Wearable Life Jackets~~ in any boat on Lake Carmel for each occupant of said boat. Life preservers shall conform to United States Coast Guard standards.

(2)

Occupants of boats, who are under 13 years of age, must wear approved life preservers while on the water of Lake Carmel. However, between ~~March 15~~ ~~November 1~~ and May 1, all persons, regardless of age, must wear approved life preservers while on the water of Lake Carmel.

[Amended 11-15-2011 by L.L. No. 6-2011]

(3)

Any person found guilty of a violation of Subsection **C(1)** or **(2)** of this section shall, upon conviction thereof, be subject to:

(a)

A restriction of lake privileges for one week for a first offense.

(b)

A fine of ~~\$25~~ ~~\$50~~ for a second or subsequent offense along with the revocation of the boat registration.

(4)

Any owner or registrant who permits a boat to be on the waters of Lake Carmel in violation of any provision of this section shall be guilty of an infraction as above stated.

D.

No boat shall be allowed on the waters of Lake Carmel that is over 20 feet in length from bow to stern, and 12 feet wide. No floating device shall be allowed on the waters of Lake Carmel that is over 20 feet from one end to the other lengthwise or more than six feet in width.

[Amended 8-1-1988 by L.L. No. 4-1988]

§ 50-6Curfew.

[Amended 11-19-1979 by L.L. No. 6-1979; 11-24-1986 by L.L. No. 5-1986]

There is hereby imposed a curfew on bathing areas and bathing area parking lots. Curfew hours shall be from 9:30 p.m. until 6:00 a.m.

§ 50-7Preservation of plant life.

A.

No person shall, in any park or park street, destroy, cut, break, deface, mutilate, injure, disturb, sever from the ground or remove any growing thing, including, but not limited to, any plant, flower, flower bed, shrub, tree, growth, or any branch, stem, fruit or leaf thereof.

B.

No person shall bring into any park or park street any tool or instrument such as a hatchet, axe or saw for the cutting of any living thing.

C.

No person shall bring into the park any spade, shovel, rake, hoe or any of the so-called garden or agricultural implements or tools for the removal of any tree, shrub or plant.

D.

No person shall pile or maintain any material or debris of any kind against or upon any tree, shrub, grass or plant.

E.

No person shall attach any rope, cable or other contrivance to any tree, shrub or other plant, with the notable exception of a registered boat or floating device.

F.

No person shall set fire or assist another to set fire to any timber, tree, shrubs, plants, flowers, grass or plant growth, or suffer any fire upon other land to extend into parklands.

G.

No person shall hitch any horse or other animal to, or leave the same standing near enough so as to injure, any lawn or grass plot.

H.

No person shall go upon any tree, shrub, grass or plant, except at such times when permission to do so shall have been given by the Town Board to the public.

§ 50-8 Rubbish and refuse; pollution. [1]

A.

Rubbish and refuse matter. No person shall take into, carry through, leave in, or throw, cast, lay, drop or discharge into or on, or suffer or permit any servant, agent, employee or person in his or her charge to take into, carry through, leave in, throw, cast, lay, drop or discharge into or on, any park or park street any rubbish of any sort, including, but not limited to, ashes, dross, cinders, shells, fruit, fruit skins, vegetable foodstuff, paper, pasteboard, dirt, sand, oil, grease, clay, loam, stone or building rubbish, hay, straw, oats, sawdust, shavings, or manufacturing, trade or household waste, vehicles or parts thereof as junk, old iron or other metal, or objects made therefrom; or sick, diseased or dead animals, organic refuse or other offensive matter, including swill, brine, urine, offal, fecal matter, garbage or rubbish; **provided that in the morning before 8:00 a.m. or before the first sweeping of the roadway of the park street by the street cleaners, dust from the sidewalk may be swept into the gutter, if there piled, but not otherwise.**

B.

Spitting prohibited. No person shall, in any park or park street, spit upon any walk, crossing, safety zone, structure, bridge, platform, stairway or floor of any building.

C.

Pollution of waters. No person shall throw, cast, lay, drop or discharge into or leave in the waters used for bathing or waters in any park or in any storm sewer or drain flowing into said waters, any substance, matter or thing, liquid or solid, which may or shall result in the pollution of said waters.

D.

Drains and sewers. No person shall discharge, directly or indirectly, into any opening or into any gutter leading into any sewer, receiving basin or drain, in or leading into any park or park street, any gas or vapor or any substance which may form a deposit tending to choke same, or any volatile liquid which will emit an inflammable vapor at a temperature below 160° F., or any steam or hot water above 100° F.

E.

Protection of bathing area. No person shall throw, cast, lay or deposit any bottle or piece of crockery, or any glass or glassware or any part thereof, or metallic or other substance with sharp edges or projections, on any **beach or** bathing area in, on or adjoining any park.

[1]

Editor's Note: See Ch. 40, Garbage and Refuse; Landfill.

§ 50-9 Firearms and weapons.

No person shall have or carry, whether or not concealed upon his person, any pistol or revolver, or any instrument or weapon commonly known as a "toy pistol" or in which or upon which loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition therefor, except when so authorized by law. No person shall use any rifle, shotgun or fowling piece, or any air gun, spring gun or other instrument or weapon in which the propelling force is a spring or air, within the confines of Park District No. 1.

§ 50-10 Dogs. [1]

No dogs shall be allowed at any time on the designated beaches, and the owners of or persons harboring such dogs or otherwise responsible for such dogs shall be liable for violation of this provision of this chapter.

[1]

Editor's Note: See Ch. 32, Dogs and Other Animals.

§ 50-11 Picnics and outings.

No picnics, outings, gatherings or similar groups shall be permitted at any time upon the parkland except by permission of the Town Board.

Picnics are allowed by any group or individual residents, up to 12 people. For any group over 12, advanced permission must be requested and Lake Carmel Park Property Special Use Application, and granted by the Town of Kent.

§ 50-12 General conduct.

Any person shall be guilty of violating these rules and regulations for the following:

A.

Disobeying an order of a police officer, playground director, parking attendant or other person designated by the Town Board to give orders, or disobeying the notices, prohibitions, instructions or directions on any park sign.

B.

Using threatening, abusive or insulting language.

C.

Doing any obscene or indecent act.

D.

Throwing stones or other missiles.

E.

Solicitation of any kind is not allowed within Lake Carmel Park Department property.

Soliciting alms, subscriptions or contributions for any purpose.

F.

Annoying persons.

G.

Interfering with, encumbering, obstructing or rendering dangerous any drive, path, walk, dock, beach, boardwalk or public place.

H.

Climbing or lying upon any wall, fence, shelter, seat, statue, monument, boardwalk or other structure.

I.

Doing any act tending to or amounting to a breach of peace.

J.

Entering or leaving any restricted park area except at established entranceways or exits or at established times; or using or gaining admittance to, or attempting to use or gain admittance to, the facilities in any park.

K.

Introducing, carrying or firing firearms, firecrackers, torpedoes or fireworks, except as provided by § 50-9 hereof.

L.

Engaging in, instigating, aiding or encouraging a contention or fight, whether or not a ring fight or prizefight.

M.

Assaulting any person.

N.

Doing, aiding, abetting or assisting in doing any act injurious to any person, animal or property within any park or on any park street not specifically prohibited herein.

O.

Acting as crier or advertiser, through the media of voice, public address system or other mechanical device, on beaches or boardwalks or in the vicinity of same.

P.

Dressing or undressing in autos, trucks, buses or other conveyances or anywhere within the parkland except in such places as may be designated or maintained by the Park District for such purpose.

Q.

Feeding any waterfowl on Lake Carmel and anywhere along the shores of Lake Carmel is prohibited. The shores on Lake Carmel for purposes of this section shall be defined as the land extending from the shoreline to the pavement of the nearest roadway.

[Added 12-7-1987 by L.L. No. 6-1987]

§ 50-13**Traffic control. [1]**

A.

The speed limit for all vehicles within the area of said parkland may be provided for by the Town Board and designated by suitable signs on the roads and roadways in the parkland. All owners and operators of motor vehicles and other vehicles shall comply with the Vehicle and Traffic Law of the State of New York while operating any vehicle within the parkland, with such modifications of said law as provided for herein.

B.

Commercial vehicles shall not be allowed within said parkland except as may be necessary for building or construction purposes or for the rendering of some necessary and useful service, *or those vehicles owned and/or resident employer-owned vehicles and used by residents necessary for their transportation to and from their work.*

C.

The Town Board may designate and limit such roads and roadways as in its discretion may be used for the operation of any commercial vehicle.

D.

Nothing in this section shall apply to vehicles and apparatus of the Fire Department, Police Department or public service emergency vehicles when in such parkland in case of fire or other emergency.

E.

No person shall cause or permit any motor vehicle or other vehicle unnecessarily to obstruct traffic on any road, street or roadway, or stop or park except at such places as may be designated, except in case of emergency. This provision shall be deemed to include parking at night.

F.

Parking of any motor vehicle or other vehicle is prohibited on the lakeshore side of any road abutting Lake Carmel.

[Added 7-1-1991 by L.L. No. 3-1991]

[1]

Editor's Note: See Ch. 72, Vehicles and Traffic.

§ 50-14**Structures.**

A.

The Town Board shall have the right to remove or cause to be removed any and all existing projections, encroachments, docks, piers and other impediments when, in the opinion of the Town Board, such removal shall be necessary or desirable for the improvement of the parkland.

B.

Hereafter, no person shall erect a wharf, pier or other structure on the park property without obtaining the prior consent of the Town Board by resolution passed at a meeting of the Town Board duly called and held, and such resolution, if passed, shall provide appropriate safeguards to assure that the structure, when erected, shall be available to all the inhabitants of the Park District.

§ 50-15 Motorboats, and airplanes and drones.

Pursuant to § 198, Subdivision 4, of the Town Law, the operation of motorboats, airplanes, drones, or any internal combustible vehicles with the exception of electric trolling motors on Lake Carmel in Park District No. 1 of the Town of Kent is hereby prohibited.

§ 50-16 Penalties for offenses.

[Amended 11-24-1986 by L.L. No. 5-1986]

Any person found guilty of a violation of this chapter or any part thereof or any rule or regulation made thereunder, that does not have its own penalty provision, shall, upon conviction thereof, be subject to a fine of not more than \$250 or to imprisonment of not more than 15 days, or to both such fine and imprisonment.

§ 50-17 Fishing restrictions.

[Added 8-2-1976 by L.L. No. 6-1976]

A.

In the interest of public safety, no fishing shall be permitted along Route 311 where Route 311 crosses Lake Carmel at any time, nor within any bathing area. during the months of June through September, inclusive.

[Amended 12-7-1987 by L.L. No. 7-1987]

B.

Any person violating any of the provisions of this section shall be liable for and shall pay a penalty not exceeding \$50.\$100.

§ 50-18 Glass containers.

[Added 4-2-1979 by L.L. No. 2-1979]

No person shall take into, carry through, leave in or throw, cast, lay, drop or discharge into or on any park or park road, with the exception of that area leased to **Lake Carmel Fire Department No. 1**, **Tenants at 640 Route 52 Tax #33.-1-76** any glass container of any sort, including but not limited to bottles, jars and glasses.

§ 50-19 Alcoholic beverages.

[Added 4-2-1979 by L.L. No. 2-1979]

No person shall enter or remain upon any parklands of Park District No. 1, with the exception of that area leased to **Tenants at 640 Route 52 Tax #33.-1-76 Lake Carmel Fire Department No. 1** while in possession of any alcoholic beverage.

§ 50-20 Certain passage prohibited.

[Added 7-1-1991 by L.L. No. 5-1991]

No entry shall be permitted from Champlain Drive onto Terry Hill Road, nor entry from Terry Hill Road onto Champlain Drive. A physical barrier, removable only in case of emergency, shall be erected to prevent passage on Champlain Drive either from or to Terry Hill Road.

§ 50-21 Smoking prohibited on beaches.

[Added 10-30-2006 by L.L. No. 2-2006; amended 11-27-2006 by L.L. No. 3-2006]

Smoking on any and all of the beaches located within Park District No. 1 in the Town of Kent is strictly prohibited. For the purposes of this section, "smoking" shall include cigarettes, cigars, pipes and any other form of smoking

BID OPENING

MAY 28, 2021

12:00 P.M. NOON

CEMETERY MOWING & CLEAN UP SERVICES

Present: Town Clerk Lana Cappelli, Deputy Clerk Lauren Louderback, Deputy Clerk Lucy Pirro,
Supervisor's Confidential Secretary Tamara Harrison, Resident Sue Kotzur

1. - All Seasons Property Maintenance - \$6,000.00

5 installments of \$1,200.00

Non-collusion enclosed

2. – Taconic Landscaping - \$7,500.00

Non-collusion enclosed

S854-A/A01248-A Marijuana Regulation and Taxation Act

Article 6

§ 131. Local opt-out; municipal control and preemption.

1. The licensure and establishment of a retail dispensary license and/or on-site consumption license under the provisions of article four of this chapter authorizing the retail sale of adult-use cannabis to cannabis consumers shall not be applicable to a town, city or village which, after the effective date of this chapter, and, on or before the later of December thirty-first, two thousand twenty-one or nine months after the effective date of this section, adopts a local law, subject to permissive referendum governed by section twenty-four of the municipal home rule law, requesting the cannabis control board to prohibit the establishment of such retail dispensary licenses and/or on-site consumption licenses contained in article four of this chapter, within the jurisdiction of the town, city or village. Provided, however, that any town law shall apply to the area of the town outside of any village within such town. No local law may be adopted after the later of December thirty-first, two thousand twenty-one or nine months after the effective date of this section prohibiting the establishment of retail dispensary licenses and/or on-site consumption licenses; provided, however, that a local law repealing such prohibition may be adopted after such date.

2. Except as provided for in subdivision one of this section, all county, town, city and village governing bodies are hereby preempted from adopting any law, rule, ordinance, regulation or prohibition pertaining to the operation or licensure of registered organizations, adult-use cannabis licenses or cannabinoid hemp licenses. However, towns, cities and villages may pass local laws and regulations governing the time, place and manner of the operation of licensed adult-use cannabis retail dispensaries and/or on-site consumption site, provided such law or regulation does not make the operation of such licensed retail dispensaries or on-site consumption sites unreasonably impracticable as determined by the board.

Article 20

§ 493. Imposition of tax.

(c) In addition to the taxes imposed by subdivisions (a) and (b) of this section, there is hereby imposed a tax on the sale or transfer of adult-use cannabis products to a retail customer by a person who sells adult-use cannabis products at retail at the rate of four percent of the amount charged by such person for such adult-use cannabis product, which tax shall accrue at the time of such sale or transfer. The tax imposed by this subdivision is imposed on a person who sells adult-use cannabis products at retail, and shall be paid to the commissioner in trust for and on account of a city having a population of a million or more, and counties (other than counties wholly within such a city), towns, villages, and cities with a population of less than a million in which a retail dispensary is located.

Article 20-c

§ 496-b Administrative Provisions

(b)(2) All taxes, interest, and penalties collected or received by the commissioner under subdivision (c) of section four hundred ninety-three of this article shall be deposited and disposed of pursuant to the provisions of section one hundred seventy-one-a of this chapter, provided that an amount equal to one hundred percent collected under such subdivision (c), less any amount determined by the commissioner to be reserved by the comptroller for refunds or reimbursements, shall be paid to the comptroller and the commissioner shall certify to the comptroller the amount of tax, penalties, and interest attributable to retail sales within a city with a population of a million or more and counties (other than a county wholly within such city). Such amount will be distributed by the comptroller to such city and such counties. Such counties shall be entitled to retain twenty-five percent of the monies so distributed. Such counties shall distribute the remaining seventy-five percent of such monies to the towns, villages, and cities within such county in which a retail dispensary is located in proportion to the sales of adult-use cannabis products by the retail dispensaries in such towns, villages and cities as reported by a seed-to-sale system, provided, however, where a retail dispensary is located in a village within a town that both permit cannabis retail sales, then the county shall distribute the monies attributable to such retail dispensary to such town and village in such proportion as may be agreed upon by the elective governing body of such town and of such village or, in the absence of such an agreement, shall evenly divide such monies between such town and village. Such counties shall distribute the monies received for each quarter ending on the last day of February, May, August or November to such towns, villages and cities no later than the thirtieth day after receipt of such monies from the comptroller.

Sample Local Opting out of Adult Use Cannabis Retail Dispensaries and On-Site Consumption Sites

Local Law No _____ of the year 2021
Town of _____, County of _____

A local law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4

Section 1. Legislative Intent

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of _____ that would otherwise be allowed under Cannabis Law Article 4.

[add more justifications if you like]

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes the town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

Section 3. Local Opt-Out

The Town Board of the Town of _____ hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the town's jurisdiction.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Permissive Referendum/Referendum on Petition

This local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.