

**TOWN OF KENT
TOWN BOARD MEETING
Tuesday, March 3, 2020**

Executive Session – 6:00 p.m.

to discuss proposed, pending or current litigation and the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Public Hearing – 7:00 p.m.

Mining Moratorium

Foreclosure and Vacant Property Registry

Workshop –

1. Pledge of Allegiance
2. Finance Department – budget transfers
3. Building Department – annual report and code updates
4. Code Enforcement – violations at TM# 22.66-2-10
5. Highway Department – Landfill Site Management Policy and credit limit increase
6. CAC – resignation of member
7. ZBA – resignation of member, advertise for new members
8. Proposed Social Media Policy
9. Announcements
10. Public Comment

Meeting

1. Roll Call
2. Vote on the following:
 - a. Mining Moratorium
 - b. Budget transfers
 - c. Contract to correct violations at TM# 22.66-2-10
 - d. Landfill Site Management Policy
 - e. Credit limit increase
 - f. Advertise for new members to ZBA
 - g. Social Media Policy
3. Vouchers and Claims
4. Public comment

TOWN OF KENT LOCAL LAW NO. _____ of 2020
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 pursuant to Chapter 63 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. Exemptions, Variances and Appeals.

This moratorium is does not apply to residential activities requiring permits on residential properties.

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: _____, 2020

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

1. WHEREAS, the Finance Department has requested a budgetary transfer to cover under budgeted expenses, and now therefore be it RESOLVED that the following budgetary transfers be made:

2.

Increase Appropriation

A.1010.400	Legislature - Contractual	\$ 402.00	
A.1010.801	Legislature - Retirement	\$ 606.00	(new board member)
A.1110.550	Municipal Court - Pmt made NYS	\$ 66,036.00	(Increase Rev)
A.1110.802	Municipal Court - Hospital/Medical	\$ 2,517.00	(buyout)
A.1220.400	Supervisor - Hospital/Medical	\$ 2,400.00	(buyout)
A.1220.803	Supervisor - FICA	\$ 512.00	
A.1310.100	Finance - Personal Services	\$ 11.00	
A.1310.400	Finance - Contractual	\$ 5,990.00	(BAN issuance costs)
A.1310.802	Finance - Hospital/Medical	\$ 3,237.00	(buyout)
A.1330.400	Tax Collection - Contractual	\$ 5,739.00	(New tax collection software)
A.1355.801	Assessment - Retirement	\$ 1,508.00	(NYSLRS - year behind)
A.1355.802	Assessment - Hospital/Medical	\$ 4,200.00	(Buyout)
A.1410.100	Town Clerk - Personal Services	\$ 757.00	
A.1410.803	Town Clerk - FICA	\$ 46.00	
A.1420.400	Law - Contractual	\$ 19,397.00	(Out of retainer legal fees)
A.1430.400	Personnel - Contractual	\$ 1,073.00	(Partners in Safety - higher than usual)
A.1620.102	Buildings - Operations & Maint - Payroll	\$ 2,972.00	(Snow/ice)
A.1620.140	Buildings - Operations & Maint - OT	\$ 10,715.00	(Snow/ice)
A.1620.400	Buildings - Operations & Maint - Contractual	\$ 70,129.00	(a)
A.1620.403	Buildings - Operations & Maint - Gas	\$ 208.00	
A.1620.404	Buildings - Auto Repair	\$ 1,776.00	
A.1620.803	Buildings - Operations & Maint - FICA	\$ 802.00	
A.1640.140	Central Garage - OT	\$ 624.00	
A.1640.200	Central Garage - Equipment	\$ 2,066.00	
A.1640.400	Central Garage - Contractual	\$ 48,195.00	
A.1640.801	Central Garage - Retirement	\$ 6,854.00	
A.1650.400	Central Communications - Contractual	\$ 800.00	(New website - \$800)
A.1670.400	Central Printing & Mailing - Contractual	\$ 4,343.00	(higher mail - tax bill re-print)
A.3120.101	Police - Police Payroll	\$ 59,169.00	(settlement)
A.3120.120	Police - Dispatchers Payroll	\$ 16,023.00	
A.3120.121	Police - Dispatchers Overtime	\$ 2,214.00	
A.3120.140	Police - Police OT	\$ 4,565.00	
A.3120.400	Police - Contractual	\$ 2,513.00	(Goosetown)
A.3120.405	Police - Telephone	\$ 41.00	
A.3120.410	Police - Radio contract	\$ 793.00	
A.3120.414	Police - New Issue Uniforms	\$ 1,295.00	(new PO uniforms)
A.3120.417	Police - IT Services	\$ 573.00	
A.3120.418	Police - Clothing Dispatcher	\$ 325.00	
A.3120.419	Police - Mobiletech software	\$ 1,594.00	
A.3120.801	Police - Retirement	\$ 15,642.00	
A.3120.803	Police - FICA	\$ 1,068.00	
A.3310.400	Traffic Control - Contractual	\$ 3,687.00	
A.3410.400	Fire Protection - Contractual	\$ 331.00	
A.3510.400	Control of Dogs - Contractual	\$ 11,068.00	(\$12009 Northwind Kennels)
A.3620.100	Safety Inspection - Personal Services	\$ 4,077.00	(Temp)
A.3989.400	Other Public Safety - Contractual	\$ 38,495.00	(Code enf viols, recovered through taxes)
A.4020.100	Registrar of Vital Stats - Personal Services	\$ 31.00	
A.5010.803	Highway and Street Admin - FICA	\$ 179.00	
A.7020.403	Recreation Admin - Gas	\$ 152.00	
A.7020.407	Recreation Admin - office	\$ 773.00	
A.7110.100	Parks - Personal Services	\$ 2,504.00	
A.7110.140	Parks - OT	\$ 1,230.00	
A.7110.200	Parks - Equipment	\$ 32,267.00	(\$33946 2019 RAM 3500)
A.7110.404	Parks - Auto Repair	\$ 4,449.00	
A.7110.801	Parks - Retirement	\$ 1,468.00	
A.7310.451	Recreation - Youth - Baseball	\$ 1,837.00	(program grew)
A.7310.462	Recreation - Youth - Basketball	\$ 1,414.00	(program grew)
A.7310.480	Recreation - Youth - Special events	\$ 957.00	(some new spec events)
A.7310.485	Recreation - Youth - Fall Soccer	\$ 315.00	
A.7510.400	Historian - Contractual	\$ 624.00	(paved lot)
A.8020.100	Planning - Personal Services	\$ 26.00	
A.8020.400	Planning - Contractual	\$ 15,463.00	

(a)
2,300 T.Boalt(sidewalk)
5,823 Cemco(autoflush valve)
27,700 Generator - Smokey Hollow
3,440 Liebler(countertops at TH)
23,000 New Phone System/Firewalls

A.8020.803	Planning - FICA	\$	1.00	
A.8100.400	Stormwater Contractual	\$	1,758.00	
A.8160.400	Landfill - Contractual	\$	30,022.00	(Grinder and Excavator)
A.8161.400	Recycling - Contractual	\$	7,635.00	
A.8161.403	Recycling - Gas	\$	12.00	
A.8668.400	Grant Writer	\$	5,000.00	
A.8810.400	Cemeteries - Contractual	\$	14,212.00	(Partially reimbursed by County)
A.9901.900	Transfer to Other funds - Highway	\$	168,318.00	(cover 2014 Freight Liner and snow OT)
A.9950.900	Transfer to Capital Projects Fund	\$	2,200.00	(Library steps - higher than planned)
		\$	720,235.00	

Decrease Appropriation

A.1220.400	Supervisor - Contractual	\$	(512.00)	
A.1310.803	Finance - FICA	\$	(11.00)	
A.1355.400	Assessment - Contractual	\$	(5,708.00)	
A.1410.802	Town Clerk - Retirement	\$	(803.00)	
A.1420.401	Law - Prosecutor	\$	(19,397.00)	
A.1640.100	Central Garage - Personal Services	\$	(2,478.00)	
A.1640.802	Central Garage - Hosp/Medical	\$	(7,066.00)	
A.1910.431	Unallocated Insurance	\$	(30,158.00)	
A.1930.428	Judgement&Claims - Tax Certs	\$	(10,000.00)	
A.1989.400	Town Code - Contractual	\$	(1,900.00)	
A.1990.100	Contingencies - Personal Services	\$	(91,804.00)	
A.3120.150	Police - Sick payout	\$	(3,164.00)	
A.3120.802	Police - Hosp/Med Police	\$	(36,375.00)	
A.3410.803	Fire Protection - FICA	\$	(331.00)	
A.3410.100	Fire Protection - Personal Services	\$	(4,565.00)	
A.3510.100	Control of Dogs - Personal Services	\$	(6,503.00)	
A.3620.400	Safety Inspection - Contractual	\$	(2,002.00)	
A.3620.802	Safety Inspection - Hosp/Medical	\$	(635.00)	
A.3620.421	Safety Inspection - BAS Contractual	\$	(1,440.00)	
A.5132.400	Garage - Contractual	\$	(3,866.00)	
A.7020.801	Recreation Administration - Retirement	\$	(925.00)	
A.7110.102	Parks - Seasonal Payroll	\$	(9,475.00)	
A.7110.150	Parks - Sick Payout	\$	(176.00)	
A.7310.457	Youth Programs - Girls Softball	\$	(2,012.00)	
A.7310.484	Youth Programs - School Facility Fee	\$	(2,511.00)	
A.7410.801	Library - Retirement	\$	(4,502.00)	
A.9040.804	Workers Comp	\$	(9,177.00)	
A.9050.810	Unemployment Insurance	\$	(1,800.00)	
A.9060.802	Hospital Medical Ins	\$	(24,214.00)	
A.9089.811	Other benefits	\$	(1,500.00)	
		\$	(285,010.00)	

Increase Revenue

A.2401	Interest Income	\$	49,438.00	
A.2610.550	Fines and Forfeited Bail - Justice Court	\$	66,036.00	
A.2770	County Reimb for Cemetery Mowing	\$	6,853.00	(check rec'd in 2020, accr at 12/31/2019)
A.1570	Charges Demolition Code Violations	\$	36,445.00	(2020 tax warrant, accr at 12/31/2019)
		\$	158,772.00	

Increase Appropriated Fund Balance

		\$	-	
	New Tax Receiver Software - 2nd Installment	\$	5,739.00	
	Various one-time projects	\$	70,129.00	(detailed above - bldg contractual)
	Parks Truck 2019 RAM3500	\$	32,267.00	
	Transfer to HWY - cover Storms clean-ups	\$	168,318.00	
		\$	276,453.00	

2019 Fiscal impact increase **\$ 435,225.00**

2. WHEREAS, Highway Department has requested a budgetary transfer to cover under budgeted expenses, and now therefore be it RESOLVED that the following budgetary transfers be made:

Increase Appropriation

DA.1980.400	MTA Tax	\$	396.00	
DA.5110.140	Highway - Maintenance of Rds Overtime	\$	16,710.00	(retro)
DA.5110.400	Highway - Maintenance of Rds Contractual	\$	2,658.00	
DA.5110.802	Highway - Hospital/Medical	\$	7,200.00	
DA.5110.803	Highway - FICA	\$	572.00	

DA.5130.200	Highway - Equipment	\$ 74,853.00	(unbudgeted equip 2014 Freightliner)
DA.5130.403	Machinery - Gas	\$ 18,007.00	
DA.5130.430	Machinery Insurance - Vehicle	\$ 9,738.00	(new equipment)
DA.5142.100	Snow removal - Personal Services	\$ 113,400.00	(contractual plus snow OT)
DA.5142.140	Snow removal - OT	\$ 43,350.00	
DA.5142.400	Snow removal - Contractual	\$ 80,217.00	
DA.5142.803	Snow removal - FICA	<u>\$ 10,657.00</u>	
		\$ 377,758.00	

Decrease Appropriation

DA.1990.100	Contingency	\$ (28,677.00)	
DA.5110.100	Maintenance of Roads - Personal Services	\$ (3,700.00)	
DA.5110.401	Maintenance of Roads - Training	\$ (2,346.00)	
DA.5130.400	Machinery - Contractual	\$ (41,070.00)	
DA.5130.404	Machinery - Auto repair	\$ (2,177.00)	
DA.5130.405	Machinery - Sweeper	\$ (15,000.00)	
DA.5140.400	Brush Contractual	\$ (5,810.00)	
DA.5142.403	Snow Removal - Gas	\$ (2,603.00)	
DA.9010.801	Retirement	\$ (6,801.00)	
DA.9040.804	Workers Comp	\$ (9,664.00)	
DA.9050.810	Unemployment Ins	\$ (1,000.00)	
DA.9055.805	Disability Insurance	\$ (506.00)	
DA.9060.802	Hospital/Medical Insurance	\$ (48,746.00)	
DA.9070.807	Welfare Benefit Fund	\$ (570.00)	
DA.9710.700	Serial Bond - Interest	<u>\$ (24,000.00)</u>	
		\$ (192,670.00)	

Increase Revenue

DA.2665	Sale of Equipment	\$ 11,415.00	
DA.2770	Unclassified Revenues	\$ 5,355.00	
DA.5031	Interfund transfers - General Fund	<u>\$ 168,318.00</u>	\$70,000 unbudgeted equip - Freightliner
		\$ 185,088.00	\$100,000 snow OT

2019 Fiscal impact increase **\$ 185,088.00**

3. WHEREAS, Lake Carmel Park District has requested a budgetary transfer to cover under budgeted expenses, and now therefore be it RESOLVED that the following budgetary transfers be made:

Increase Appropriation

SP1.7110.140	Parks - Overtime	\$ 256.00	
SP1.7110.422	Parks - Tree Removal	\$ 700.00	
SP1.7110.438	Parks - LC Dam Engineeing	\$ 3,475.00	(Non-budgeted costs)
SP1.7110.508	Parks - Arbor Day Grant Exp	\$ 15,532.00	(Tree removal)
SP1.7140.400	LC Community Center contractual	\$ 2,877.00	(\$3200 pest control)
SP1.7140.431	LC Community Center - Insurance/Other	\$ 512.00	
SP1.7141.400	LC - 640 Rt 52 Contractual	\$ 49.00	
SP1.9010.801	Retirement	\$ 2,376.00	
SP1.9785.600	Lease Principal	\$ 18,165.00	
SP1.9785.700	Lease Interest	<u>\$ 2,784.00</u>	

\$ 46,726.00

Decrease Appropriation

SP1.1990.100	Contingency	\$ (4,561.00)	
SP1.7110.100	Parks - Personal Services	\$ (19,936.00)	
SP1.7110.102	Parks - Summer Payroll	\$ (5,192.00)	
SP1.9060.802	Hosp Medical Ins	<u>\$ (17,037.00)</u>	

\$ (46,726.00)

2019 Fiscal impact **\$ -**

4. WHEREAS, Lake Tibet Park District has requested a budgetary transfer to cover under budgeted expenses, and now therefore be it RESOLVED that the following budgetary transfers be made:

Increase Appropriation

SP2.7110.400	Parks - Contractual	\$ 35,922.00	
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Increase Appropriated Fund Balance **\$ 35,922.00**

2019 Fiscal impact **\$ 35,922.00**

5. WHEREAS, Lake Carmel Sanitation Department has requested a budgetary transfer to cover under budgeted expenses, and now therefore be it RESOLVED that the following budgetary transfers be made:

Increase Appropriation

SR.8160.100	Refuse&Garbage - Personal Services	\$ 21,588.00	(retro and subs)
SR.8160.400	Refuse&Garbage - Contractual	\$ 56,124.00	(Much higher dump fees)
SR.8160.403	Refuse&Garbage - Gas	\$ 2,674.00	
SR.9010.801	NYS Retirement	\$ 11,952.00	
		<u>\$ 92,338.00</u>	

Decrease Appropriation

SR.1990.100	Contingency	\$ (14,390.00)	
SR.8160.140	Refuse&Garbage - OT	\$ (2,881.00)	
SR.8160.404	Refuse&Garbage - Auto Repair	\$ (16,903.00)	
SR.8160.431	Refuse&Garbage - Insurance	\$ (1,790.00)	
SR.8160.803	Refuse&Garbage - FICA	\$ (235.00)	
SR.9040.804	Workers Comp	\$ (5,699.00)	
SR.9060.802	Hosp Medical Ins	\$ (26,315.00)	
		<u>\$ (68,213.00)</u>	

Increase Appropriated Fund Balance **\$ 24,125.00**

2019 Fiscal impact **\$ 24,125.00**

6. WHEREAS, Water District 2 has requested a budgetary transfer to cover emergency repairs, and now therefore be it RESOLVED that the following budgetary transfers be made:

Increase Appropriation

SW2.8340.400	Contractual	\$ 3,963.00	
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Increase Appropriated Fund Balance **\$ 3,963.00**

2019 Fiscal impact **\$ 3,963.00**



CODE ENFORCEMENT

4.

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

February 26, 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 violation issued by the undersigned and bids for correction.
Site owners have not responded to Notices of Violation.**

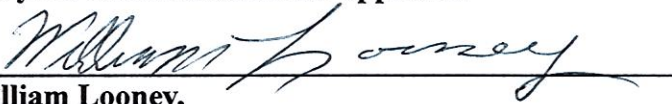
Locations requiring correction and bids for site:

15 Chatham Road.

FI Adams Inc.	\$2,5000.00
Rohna Landscapping 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.**

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

FI Adams, Inc.

Estimate

For: Town Of Kent Billy Looney
kentcodes@gmail.com
15 Chatham Road

Estimate No: 314
Date: 02/12/2020

Description	Quantity	Rate	Amount
Remove the garbage from the supplied pictures only at 15 Chatham road, lake Carmel.	1	\$2,500.00	\$2,500.00

Subtotal	\$2,500.00
TAX 0%	\$0.00
Total	\$2,500.00

Total	\$2,500.00
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**CODE ENFORCEMENT
OF
THE TOWN OF KENT, PUTNAM COUNTY, N.Y. 10512
845-306-5598
KENTCODES@GMAIL.COM
ORDER TO REMEDY VIOLATION**

Location: 15 Chatham Rd Kent, NY

Map NO: 22.66-2-10

Date: 1/22/2020

TO:

Chaffie McMullen
PO BOX 1505
Carmel, NY 10512-7505

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.

A STRUCTURE (METAL SHED) ON SITE IS IN A STATE OF COLLAPSE AND MUST BE REMOVED FROM SITE

MISSING PANELS ON GARAGE DOOR MUST BE REPLACED.

ALL DEBRIS ON THE SIDE AND REAR OF THE METAL SHED MUST BE REMOVED.

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**



02/11/2020

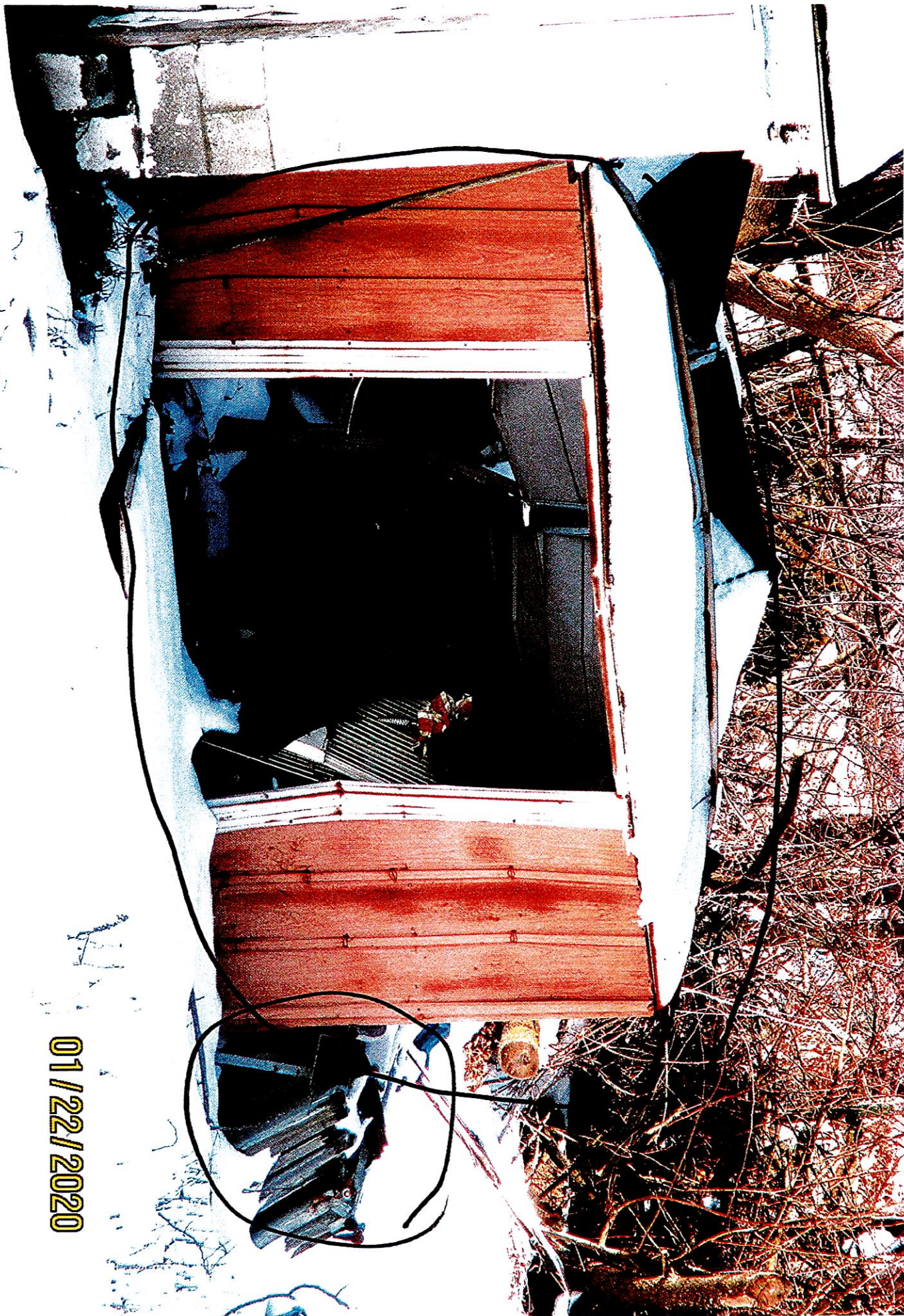


02/11/2020



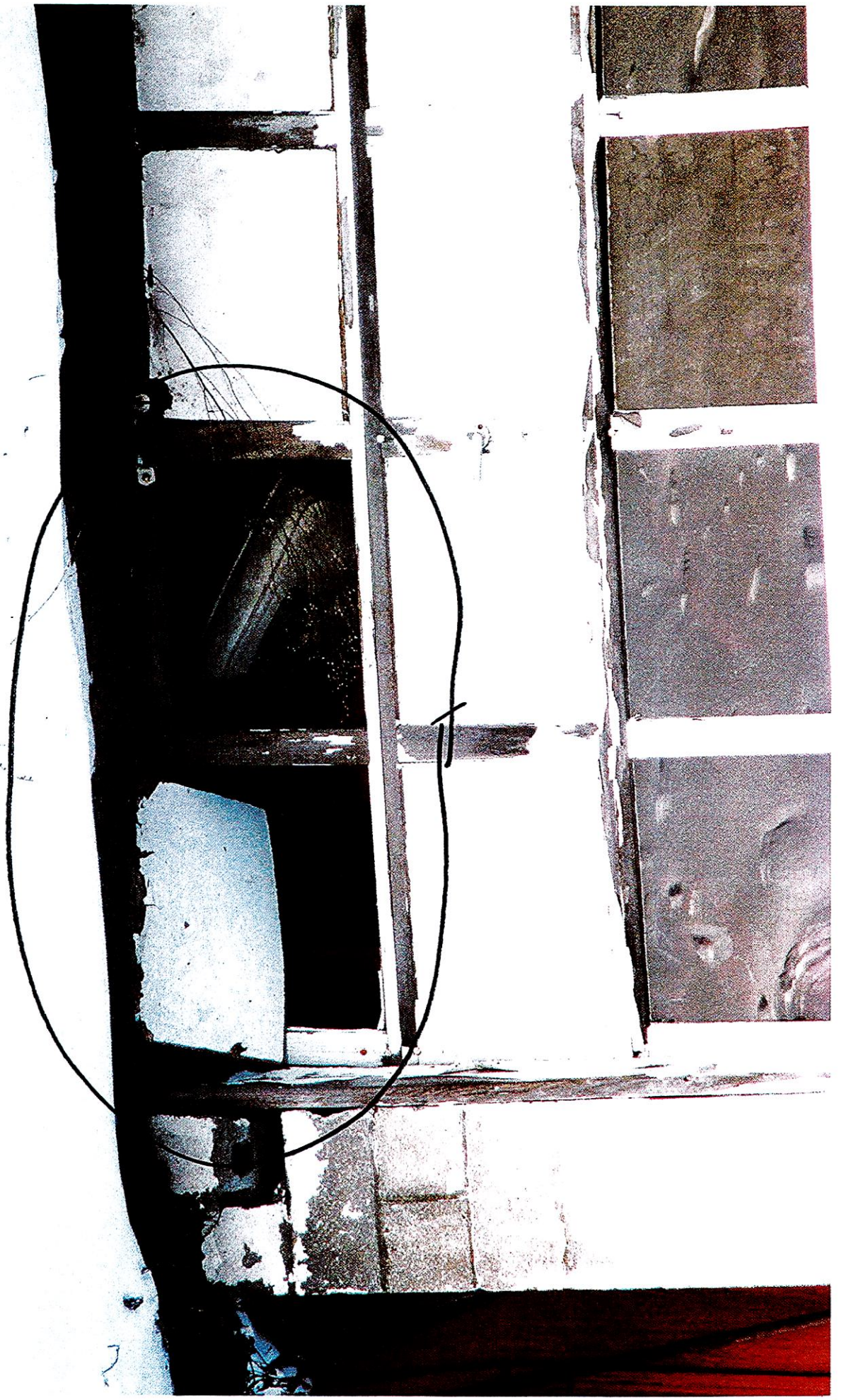


01/22/2020



01/22/2020

01/22/2020



TOWN OF KENT

RESSIQUE STREET LANDFILL SITE MANAGEMENT POLICY

I. Purpose and Policy:

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

II. Site Management Requirements:

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

III. Consequences for Policy Violations:

Failure to strictly adhere to this policy can result in Departmental discipline, to be determined by the Highway Superintendent and the Town Board.

IV. Amendments to Policy:

Any variation from this policy must be approved by the Town Highway Superintendent and be consistent with federal, state and local regulations and laws.

Dated:

As Approved by:

Maureen Fleming, Town Supervisor

William Huestis, Councilman

Paul Denbaum, Councilman

Jaime McGlasson, Councilwoman

Christopher Ruthven, Councilman

Richard T. Othmer, Highway Superintendent

TOWN OF KENT

RESSIQUE ROAD LANDFILL SITE MANAGEMENT POLICY

I. Purpose and Policy:

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

II. Site Management Requirements:

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

III. Consequences for Policy Violations:

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

IV. Amendments to Policy:

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

TOWN OF KENT

RESSIOUE ROAD LANDFILL SITE MANAGEMENT POLICY

Dated:

As Approved by:

Maureen Fleming, Town Supervisor

William Huestis, Councilman

Paul Denbaum, Councilman

Jaime McGlasson, Councilwoman

Christopher Ruthven, Councilman

Richard T. Othmer, Highway Superintendent

TOWN OF KENT

SOCIAL MEDIA/NETWORKING POLICY

I. Purpose and Policy:

The Town of Kent Social Media/Networking Policy describes the Town's rules and guidelines respecting the personal conduct by Town employees while engaging in social networking and utilizing social media and to eliminate any confusion concerning the use of social media. This Policy applies to all Town employees and its purpose is to:

1. Encourage the Town to permit the responsible use of social media by its employees; and
2. Establish minimum requirements for the use of social media in Town government.

II. Definition of Social Media/Social Networking:

This policy refers to the use of Internet forums and sites, including, without limitation, *Facebook*, *Twitter*, *YouTube*, *LinkedIn*, and photo-sharing sites and blogging sites. Because new social media/networking sites are created regularly, this Policy is not limited to the sites named herein.

III. Use of Social Media/Networking:

To utilize social media for official Town purposes and during Town business hours, employees must receive the authorization of the Department Head. If authorization is obtained, the employee utilizing social media is required to be respectful to the Town, to other employees, community partners, elected and appointed officials and government agencies. All other use of social media/networking by Town employees during Town business hours is prohibited.

Outside the workplace, an employee's right to privacy and free speech protect online activity conducted on an employee's social networks with personal e-mail addresses. However, what an employee publishes on such personal online sites should never be attributed to the Town and should not appear to be endorsed by or originated from the Town.

IV. Identifying oneself as an employee of the Town:

Because most social networking sites have fields in the "user Profile" for work experience, job title, etc. Although the Town does not want to discourage this association, if an employee participates in social media/networking, the Town expects the following:

1. That each employee will exercise good judgment in social media postings and photos;

2. As a Policy, employees are not permitted to identify themselves as representatives of the Town;

Please remember that an employee's online presence, actions, captured images, posts or comments reflect upon the Town. Each employee is personally responsible for any of his/her online activity conducted with a Town e-mail address or which can be traced back to the Town's domain or which uses Town assets.

Confidential Information:

Town employees must protect Town information that is considered to be non-public in nature, in accordance with Town policies pertaining to confidential information and disclosure.

V. Complying with Terms of Service for Social Networking Sites:

Most social networking sites require that users, when they sign up, agree to abide by a Terms of Service Agreement. In particular for certain employees who may have been assigned a job related duty to use a social network, the employee is responsible for reading, knowing and complying with the Terms of Service Agreement of the sites used.

VI. Copyright and Other Legal Issues:

The Town requires employees to comply with copyright laws. Plagiarism (the posting of someone else's work) without permission/citation is also not allowed. Other relevant laws include those related to libel, slander and defamation of character and can result in litigation against the author/speaker of the statement. If this involved a Town employee, at the very least it could bring bad publicity to the Town.

VII. Consequences to Employee for Policy Violations:

Violations of this Policy may result in disciplinary action, including termination. Where no policy or guidelines exist, employees should use their professional judgment and take the most prudent action possible. Consult with your Department Head if you are uncertain or need clarification about this Policy.