

**TOWN OF KENT
TOWN BOARD MEETING
Tuesday, March 2, 2021**

Public Hearing: 7:00 p.m.

Fire Department Contract
Mining Moratorium

Workshop/Meeting:

1. Pledge of Allegiance
2. Roll Call
3. Discussion and/or Vote on the following:
 - a. Recreation – VIP special needs sports programs
 - b. Lake Carmel Park District – bylaw changes, proposed Town Code revisions, and hiring of lifeguard supervisor
 - c. Lake Carmel Fire Department – new members
 - d. NYMIR Renewal
 - e. Police Reform and Reinvention Collaborative Plan
 - f. Approval of Vouchers and Claims
4. Announcements
5. Public Comment

A regular Town Board Meeting was held on Tuesday, March 2, 2021 at 7:00 p.m. at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York. To see the full meeting visit the Town of Kent's website at www.townofkentny.gov under Video's on Demand.

Pledge of Allegiance

Supervisor Fleming called the meeting to order with the Salute to the Flag at 7:00 p.m.

Resolution #102 - Open Public Hearing – Lake Carmel Fire Department Contract

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The public hearing on the Lake Carmel Fire Department Contract was opened.

Motion carried unanimously

Supervisor Fleming said both the contract and the budget for the department have not changed from 2020. Councilman Huestis said the volunteers do a great job and thanked them for their service. President Ryan Benson said they tried to keep their numbers low, and anticipates 3/4 of a % for 2022. He discussed the coordination with their grants writer with the towns. Councilman Ruthven asked what happens to the surplus of funds when not used. President Benson explained it is split between the House Fund for repairs to the firehouse and Truck Fund for the purchase of a new truck. There were no further comments or questions. Supervisor Fleming explained we usually keep public hearings open but in this case there is nothing controversial.

Resolution #103 - Close Public Hearing – Lake Carmel Fire Department Contract

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The public hearing on the Lake Carmel Fire Department Contract was closed.

Motion carried unanimously

Resolution #104 - Authorizing Contract with Lake Carmel Fire Department

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

WHEREAS, the Town of Kent desires to contract with the Lake Carmel Fire Department, Inc. (the "Department") for the provision of fire protection services to the Lake Carmel Fire Protection District No. 1 (the "District") during the 2021 Calendar Year, a full and complete copy of the aforementioned contract is annexed hereto (referred to herein as the "Contract"); and

WHEREAS, a duly noticed public hearing on the proposed Contract was held by the Town Board on March 2, 2021 at which all interested persons had a full and complete opportunity to be heard; and

WHEREAS, the Town Board wishes to approve the proposed Contract;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves the terms of the proposed Contract between the Town and the Department for the provision of fire protection services to the District during the 2021 Calendar Years in the form annexed hereto; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to execute the proposed Contract in the form annexed hereto, or in substantially the same form as annexed hereto subject to approval of the Town Supervisor and the Town Attorney, and any and all other documents as may be necessary to give full effect to this Resolution.

BE IT FURTHER RESOLVED, that the Town Board hereby approves and ratifies any and all acts of the Town Supervisor and any other Town employees regarding the foregoing taken prior to the adoption hereof.

Motion carried unanimously

Resolution #105 - Open Public Hearing – Extending a Temporary Land Use Moratorium Prohibiting Mining

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The public hearing on extending a temporary Land Use Moratorium Prohibiting Mining was opened.

Motion carried unanimously

**FIRE PROTECTION CONTRACT
TOWN OF KENT WITH LAKE CARMEL FIRE DEPARTMENT, INC.**

THIS AGREEMENT made as of the 1st day of January, 2021, by and between the TOWN OF KENT, a municipal corporation of the State of New York, having an office and place of business at 25 Sybil's Crossing, Carmel, New York 10512 (hereinafter referred to as the "Town"); and the LAKE CARMEL FIRE DEPARTMENT, INC., having its business offices at 851 Route 52, Carmel, New York 10512 (hereinafter referred to as the "Fire Department");

WHEREAS, there has been duly established in the Town of Kent a fire protection district known as the Lake Carmel Fire Protection District No. 1 (the "District"); and

WHEREAS, the Fire Department has proposed to provide fire protection, emergency rescue, ambulance and first aid (collectively referred to herein as "Fire Protection Services") to the District for the term and for the compensation set forth below; and

WHEREAS, the Town and the Fire Department are desirous of entering into an agreement to provide Fire Protection Services to the District, and

1. The Town is a municipal corporation of the State of New York.
2. The Town desires to contract with the Fire Department for Fire Protection services.
3. The Fire Department has the necessary qualifications to provide the services desired by the Town.
4. The Fire Department is willing to be employed by the Town, and the Town is willing to employ the Fire Department on the terms and conditions hereinafter set forth.
5. The Town has the necessary funds to pay the Fire Department pursuant to the terms of the Contract; and

WHEREAS, by Resolution dated _____, 2021, after a public hearing, the Town

Board of the Town of Kent awarded the Fire Department the contract to provide Fire Protection Services to the District; and

WHEREAS, the Fire Department agrees to furnish to the Town Fire Protection Services in the District for the 2021 calendar year, and the Town agrees on behalf of the District to pay the Fire Department the sum of Nine Hundred and Ninety Thousand and Eight Hundred and Seventy-Nine Dollars (\$990,879) for its services for said year;

NOW, in consideration of the mutual covenants contained herein, the Town and the Fire Department hereby agree that the terms and conditions of this Contract shall govern the agreement between the parties, and the parties hereto further agree as follows:

SECTION I - EMPLOYMENT

1. The members of the Fire Department, while engaged in the performance of their duties in answering, attending upon or returning from any call provided for by this Contract, shall have all the rights, privileges and immunities granted by the laws of the State of New York.

2. The Fire Department shall at all times during the period of this contract be subject to call for attendance upon any situation requiring Fire Protection Services occurring in the District. Fire protection shall not include inspections of buildings and properties in the fire protection district. Fire Protection may include but need not be limited to: responding to structure fires, wild land, brush and vegetation fires, fire alarms and carbon monoxide alarms, hazardous materials calls and spills (at an operations level), emergency ambulance services, search and rescue, traffic control at accidents, downed wire calls, gas and other odor calls, and non-emergency assists of homeowners and assistance to vehicle operators.

When notified of a call within the District and when available, the Fire Department shall

respond and attend upon the call with appropriate expedience and with suitable equipment and qualified personnel as, in the reasonable judgment of the Fire Chief, shall be necessary. Upon arriving at the scene of the call the firepersons attending shall proceed diligently and as deemed by the Incident Commander to be reasonable and necessary. Provided a system of mutual aid is in place, the failure of the Fire Department to respond to a call, or the failure of the Fire Department to respond to a call when multiple calls arise at or about the same time shall not be a violation of this Contract.

3. By the first day of September of each year, the Fire Department shall provide a copy of its budget for the following year, a fiscal year commencing January 1 to December 31, to the Town. The Town shall hold a public hearing and provide to the public the proposed contract along with the proposed contractual amount no later than the last day of October.

4. The Fire Department shall, in accordance with Section 209-z of the General Municipal Law, have its records audited annually by an independent certified public accountant or firm of certified public accountants and within 60 days of the end of the Fire Department's fiscal term, it shall submit a copy of its audit report to the Town Board.

5. Following the approval by the Fire Department of a new member, the Fire Department shall submit the name of the new member along with a copy of the new member's application and arson and background investigation check to the Town Board for approval pursuant to Not-For-Profit Law 1402(c)(3). The submittal of information may be made by 3pm prior to the regularly scheduled meeting via fax or email to the Town Clerk and the request for approval will be acted upon without delay, but in no event later than 30 days after receipt by the Town Clerk of the submittal of the new member information. Along with the request for

approval of the new member, the Fire Department shall confirm in writing to the Town Board that the addition of the new member will not violate the terms of Paragraph 6 below.

6. Except as otherwise permitted by law, the Fire Department must maintain an annual membership containing no more than forty-five (45%) percent of its members living outside of the fire protection district.

7. Pursuant to Not-For-Profit Law Section 1402(f) and within 30 days of the Fire Department's annual elections of officers and directors, the Fire Department shall make and file in the Putnam County Clerk's Office a verified certificate stating the names of the directors and officers of the corporation, containing an inventory of its property, a statement of its liabilities and that the corporation has not engaged, directly or indirectly, in any business other than that set forth in its certificate of incorporation. A copy of same shall be simultaneously filed with the Town Clerk.

8. By March 15 of each contract year, the Fire Department shall submit to the Town Board a list of the members who have achieved for the previous year the point requirements set forth in Section 217 of the General Municipal Law for the Length of Service Award Program (LOSAP). The Department shall maintain, for a period of 7 years from each calendar year, the supporting documentation substantiating that the members have qualified for their Department points and LOSAP points and said information shall be available for audit by the Town within five (5) days of its request to review said information. Said supporting documentation should include copies of the sign in sheets or point sheets (electronic versions are acceptable) or any electronic sign in data, if such a system is used.

SECTION 2-BEST EFFORTS OF FIRE DEPARTMENT

The Fire Department agrees that, at all times, it will faithfully, industriously and to the best of its ability, experience and talents perform all of the duties that may be required of and from it pursuant to express and implicit terms hereof, to the reasonable satisfaction of the Town.

SECTION 3 - TERMS OF EMPLOYMENT

Employment under this Contract shall commence as of January 1, 2021 and shall continue for a period of (1) Year until December 31, 2021.

SECTION 4-COMPENSATION OF FIRE DEPARTMENT

The Town, in consideration of the Fire Department faithfully complying with all the terms and conditions herein set forth, shall pay to the Fire Department and the Fire Department shall accept from the Town the sum designated for each year as set forth above. All monies charged hereunder shall be a charge upon the taxable property located in the Town.

SECTION 5-FIRE DEPARTMENT TO COMPLY WITH LAW

The Fire Department agrees to comply with the provisions of Sections 103-a and 103-b of the General Municipal Law and Section 139-b of the State Finance Law, regarding waiver of immunity when called before a Grand Jury. All other provisions of law required to be made a part of this Contract are hereby deemed incorporated herein. Performance under the terms and conditions of this Contract shall be subject to conformance with all applicable laws, rules and regulations in effect as of the date of this Contract including without limitation, the necessary reports and filings to be made under Section 519 of the Not For Profit Law and Sections 30-A and 33a of the General Municipal Law.

SECTION 6-ASSIGNMENT

This Contract may not be assigned by the Fire Department or its right, title and interest therein assigned, transferred, conveyed, sublet or disposed of without the prior consent, in writing, of the Town. In addition, if ambulance service is changed, it shall be responsibility of the Fire Department to notify all resident of the District.

SECTION 7-REMEDIES

This Contract may be terminated upon a material breach which remains uncorrected after thirty (30) days written notice to the Fire Department by the Town sent by certified mail, return receipt requested. Upon termination, the Department shall remit its pro-rata share of that year's contract funds to the Town.

SECTION 8-ENTIRE AGREEMENT

It is understood that this Contract constitutes the entire agreement between the Fire Department and the Town. Should any part of this Contract be declared void by legal ruling, all other parts of this Contract shall remain in effect.

SECTION 9-INSURANCE/INDEMNIFICATION

Except as stated below, the Fire Department, at its own cost and expense, shall provide a policy or policies of insurance customarily required for the operation of volunteer fire department including without limitation a policy of (a) directors and officers insurance covering the Fire Department administration; and (b) general liability insurance providing for insurance coverage in a minimum aggregate amount of Two Million Dollars (\$2,000,000.00) and shall provide additional coverage in said certificate of insurance to include liability products and completed

operations. The Fire Department shall provide to the Town certificates of insurance evidencing the aforementioned coverage, naming it as an additional insured which shall contain provisions indicating that said policies may not be cancelled without at least 30 days-notice to the Fire Department and the Town.

Town shall remain liable for benefits payable under the Volunteer Firefighters' Benefit Law (VFBL) as required by Section 30 of the VFBL. Town shall arrange for coverage of the VFBL benefits, which for the year 2021 shall be \$46,119. Town will deduct such amount from the contract price as to be remitted to the County for the cost of the VFBL.

SECTION 10-NONDISCRIMINATION

During the term of this Contract, the Fire Department agrees that in accordance with Article 15 of the Executive law (also known as the Human Rights law) and all other state and federal statutory and constitutional non-discrimination provisions, the Fire Department will not discriminate against any volunteer or applicant because of race, creed, color, sex, national origin or marital status, except as permitted by law. The Fire Department is subject to possible termination of this Contract and forfeiture of all monies due hereunder for a violation of this clause.

SECTION 11-GOVERNING LAW

This Contract and the performance thereof shall be governed, interpreted, construed, and regulated by the laws of the State of New York.

SECTION 12-PARTIAL INVALIDITY

If any term, covenant, condition or provision of this Contract or the application thereof to any person or circumstances shall, at any time or to any extent, be invalid or unenforceable, the

remainder of this Contract, or the application of such terms or provisions to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term, covenant, condition and provision of this Contract shall be valid and be enforced to the fullest extent permitted by law.

SECTION 13-ENDORSEMENTS

No agreement, oral or written, respecting this Contract shall be binding upon either party unless in writing and attached hereto.

SECTION 14-NOTICE OF CLAIM

Service of a verified claim on the Town Clerk within ninety (90) days of accrual of a claim against the Town or completion of the work or portion thereof, whichever is earlier, and the expiration of forty (40) days thereafter shall be a condition precedent to the commencement by the Fire Department of any action or proceeding with respect to this Contract.

SECTION 15-COUNTERPARTS

This Contract maybe executed in counterparts and when taken together, shall constitute one Contract.

SECTION 16-RESOLUTION

This contract has been approved by a majority of the members of the Fire Department by Resolution adopted in accordance with the Fire Department By-Laws at either a regular or special meeting.

SECTION 17- NOTICES

All notices, requests, demands and other communications required o permitted to be given hereunder shall be in writing, and shall be deemed duly given if delivered by hand or

mailed by a registered or certified mail, return receipt requested, to the parties at the the addresses listed above.

SECTION 18- CERTIFICATE OF INCORPORATION AND BY-LAWS

If not already in place, the Fire Department shall amend its Certificate of Incorporation to (a) expand on its purposes section to include reference to emergency ambulance services, (b) provide the authorization solicit donations, (c) provide the power to provide mutual aid services; (d) reduce its territory for response area to the boundaries of Fire Protection District No. 1; (e) list each of its original directors and that each director shall be at least 18 years of age; and (f) to provide for indemnification of its directors, which may alternatively be provided for in its bylaws. The Fire Department shall submit a copy of its By-Laws to the Town in effect for calendar year 2021.

SECTION 19- APPROVAL OF FUNDRAISING ACTIVITIES

The Town hereby authorizes the Fire Department to engage in fundraising activities as it deems necessary, appropriate or convenient.

ATTESTATION CLAUSE

IN WITNESS WHEREOF, the parties have executed this Contract on the date first above written.

THE TOWN OF KENT

LAKE CARMEL FIRE DEPARTMENT, INC.

By: _____
Maureen Fleming, Supervisor

By: _____
_____, President

STATE OF NEW YORK)

ss:

COUNTY OF PUTNAM)

On the ____ day of _____, 2021, before me, the undersigned personally appeared Maureen Fleming, known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

STATE OF NEW YORK)

ss:

COUNTY OF PUTNAM)

On the ____ day of _____, 2021, before me, the undersigned personally appeared _____ known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

Lake Carmel Fire Department 2021 Budget

Administrative

Computer	\$15,000.00
Custodial	\$24,000.00
Electric	\$18,000.00
Fuel Heating	\$17,000.00
Grants	\$2,250.00
House Repairs	\$37,500.00
House Supplies	\$7,000.00

MAINTENANCE

Alarm Rental	\$1,500.00
Fire Control	\$2,000.00
Generator Service	\$2,500.00
Generator Fuel	\$2,500.00
Grass cutting	\$6,500.00
Plymo-vent Sys.	\$1,200.00
Snow Plowing	\$9,500.00
Waste Removal	\$3,500.00
Pest Control	\$2,350.00

Installation	\$10,000.00
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INSURANCE

Buildings, Auto	\$48,769.00
Workers Comp.	\$46,119.00 to be held/ paid by town of kent
other	
Cancer Insurance	\$14,000.00

Supplies

Propane	
Supplies	
other	

Food & Refreshment

EXPENSES

Legal & Account fees	\$22,000.00
Mortgage	\$165,000.00
Postage	\$1,500.00
Sick & Memorial	\$1,000.00
Service awards	\$112,140.00
Telephone	\$8,500.00

Total	\$591,328.00
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Firematic	2021
Ambulance Supplies	\$14,000.00
Breathing Appartus	\$21,500.00
SCBA Compressor	\$5,350.00
Explorers	\$2,500.00
Fire Prevention	\$2,000.00
Firematic Equip	\$30,000.00
Firematic Supplies	\$8,000.00
Food - Firematic	\$4,000.00
Fuel - Truck	\$16,500.00
Hose & Fittings	\$10,000.00
Medicals	\$30,000.00
Parades	\$6,500.00
Radio & Pagers	\$15,000.00
County Radio Project	\$10,000.00 For 2021
Recruit & Retention	\$5,800.00
Cell Phones	\$2,400.00
Training	\$7,000.00
Truck Maint.	\$70,500.00
Truck Replacement	\$101,000.00
Turnout Gear	\$30,000.00
Uniforms	\$7,500.00
Total 2021	\$399,550.00
Total Budget	\$990,878.00

Supervisor Fleming explained on March 3, 2020 the board adopted Local Law#1/2020 Prohibiting the Issuance of permits for the excavation of sand, gravel, topsoil and rock or natural material for a period of six months, it was renewed in September for an additional six months. She said at present before the board are proposed changes to the Soil Removal Code addressing mining and resident's concerns. The board wants to do it right, the current moratorium is set to expire tomorrow and much discussion has taken place to extend it with support from the public. Councilman Ruthven said requests were sent to the Planning and Zoning boards, their experts and the CAC, and their comments have been received. He expressed disappointment in the newspapers headline "Mining law digs up tensions between Planning and Town Boards". He said it is completely untrue he has spoken to the Planning Board and their consultants and they had a very constructive meeting, there is no conflict. He hopes to work through their comments with the board. Supervisor Fleming agreed after her meeting with the Planning Board Chairman. Councilman Huestis also supports the moratorium. Kathy Doherty asked if there will be a meeting with the Planning Board. Supervisor Fleming replied yes, they have to figure out the best way to make it accessible to all and is anticipating a meeting in April. She said recommendations were received from the Planning, Zoning and CAC that will be posted on the website.

Eileen Civitello said there was discussion about a task force that would eliminate the concern of capacity at meetings and volunteered to be a part of the force. She asked how that is going. Supervisor Fleming replied they decided to ask for the expert's feedback first, she doesn't know if we necessarily need a task force. Councilman Ruthven recalled discussing a task force when a mining law was proposed; the current route a code revision is a tool the Planning Board and their experts will be using. Eileen said the public would like to be part of the decision whether a mining law or code revision is the way to proceed; she stressed the importance of the public involvement. Councilman Ruthven said the way it is set up the public would be involved with the various boards. A discussion took place that a special workshop meeting with the various boards and the public will be announced at the March 16th town board meeting.

Resolution #106 - Close Public Hearing on extending a temporary Land Use Moratorium Prohibiting Mining

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The public hearing on extending a temporary Land Use Moratorium Prohibiting Mining was closed.

Motion carried unanimously

Resolution #107 - Adopting Local Law #1/2021

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

WHEREAS, a local law Extending A Temporary Land Use Moratorium Prohibiting Mining within the Town of Kent was introduced as Introductory Local Law # 1 (the "Local Law") of the year 2021 before the Town Board of the Town of Kent on February 2, 2021 ; and

WHEREAS, the Local Law determines that adoption of the local law constitutes a Type II action pursuant to the State Quality Environmental Review Act ("SEQRA") and therefore requires no further review under SEQRA;

WHEREAS, the public hearing was opened on March 2, 2021 and the public was invited to attend and be heard on the matter;

NOW THEREFORE, BE IT RESOLVED, that Introductory Local Law #1 of 2021 is hereby enacted by the Town Board of the Town of Kent as Local Law #1 of 2021 of the Town of Kent, and

BE IT FURTHER RESOLVED, that a true copy of the law is attached hereto and made a part hereof.

Motion carried unanimously

Roll Call

Supervisor Fleming – present

Councilman Huestis – present

Councilman Denbaum – present

Councilwoman McGlasson – present

Councilman Ruthven – present

Also Present: Town Clerk Cappelli, Town Counsel Nancy Tagliafiero, Police Chief Owens, Recreation Director Kuczenski, Recycling Co-Chair Kotzur, Lake Carmel Park District Chair and member Walter Recher and Bob Ulich and several members of the public.

Resolution #108 - Recreation – VIP Special Needs Sports Programs

Recreation Director Jared Kuczenski presented a new VIP Sports Program a specially tailored program for children with special needs who otherwise would not be able to participate in current programs. He said there is a need and was introduced to the program by Sarah Sibajene. It is a unified program meaning children of all abilities working together. It is a clinic style setting, children would participate anyway that would work for them. He said he has already received a tremendous amount of support. Sarah Sibajene thanked the board, she explained she is an occupational therapist for 14 years and works in Pleasantville where this program currently runs. The program will be a 6 week program each session run will run 45 minutes to an hour. Parents will be required to stay on site for each session. She said eligible children will be from grades K – 12 grade who cannot participate in mainstream sports. Each athlete will be set up with a buddy, who will be asked to commit to the 6 week program to develop a relationship with the athlete. It will be a consistent routine and run similarly like Kent's Smart Start program with stations. She hopes to divide the children into groups to play games. She will provide training to the buddy's and each station will be run by an adult volunteer or senior buddy. The board discussed enrollment procedures and introducing residents through Face book live.

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

WHEREAS, Jared Kuczenski, Director of Recreation and Parks, has proposed that the Recreation and Parks Department offer a VIP Sports program, which would be a sports program for youth of all abilities including, without limitation, youth with disabilities and special needs (the "VIP Program"), a copy of the proposal is annexed hereto and hereby incorporated; and

WHEREAS, in connection with the VIP Program, Mr. Kuczenski is recommending the hiring of Sarah Sibajene as Program Coordinator at a rate of \$500 per session; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the proposal and recommendation of Mr. Kuczenski.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Kent hereby approves the formation of for the VIP Program consistent with the annexed proposal; and

BE IT FURTHER RESOLVED; that the Town Board of the Town of Kent hereby authorizes the hiring of Sarah Sibajene as VIP Program Coordinator for the Recreation Department at a rate of \$500 per session; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Supervisor to execute any and all documents necessary to give effect to this resolution.
Motion carried unanimously

Resolution #109 - Authorizing Amendment to Lake Carmel Park District Advisory Committee By-Laws

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

WHEREAS, by letter dated December 8, 2020, the Lake Carmel Park District Advisory Committee ("LCPDAC") has recommended certain revisions to the LCPDAC By-Laws, a copy of which is annexed hereto and incorporated herein by reference; and

WHEREAS, the Town Board wishes to authorize the proposed revisions to the LCPDAC By-Laws;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the proposed revisions to the LCPDAC By-Laws as set forth on the proposed draft.
Motion carried unanimously

Lake Carmel Park District – Proposed Town Code Revisions

Supervisor Fleming had many comments it was agreed that those comments would be brought to the next Lake Carmel Advisory Committee meeting so they can be addressed. After that a revised section of code would be prepared and introduced.

TOWN OF KENT LOCAL LAW NO. 1 of 2021
A LOCAL LAW EXTENDING 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 extend the temporary prohibition on the issuance of permits for the excavation of sand, gravel, topsoil, rock or other natural material within the Town of Kent, for an additional 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.

By resolution dated March 3, 2020 the Town Board adopted Local Law #1 of 2020 temporarily prohibiting the issuance of permits for the excavation of sand, gravel, topsoil and rock or other natural material within the Town of Kent for a period of six (6) months from the effective date of said Local Law #1 of 2020.

On March 7, 2020, Governor Andrew Cuomo issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York due to the COVID-19 pandemic. The COVID-19 Pandemic is an outbreak declared a "public health emergency" for the entire United States by the United State Health and Human Services Secretary on or about January 31, 2020. Further, by Executive Order effective as of March 22, 2020, Governor Cuomo instituted "NY PAUSE" which closed all non-essential businesses and prohibited non-essential gatherings of individuals of any size for any reason, with such operations being reopened in phases. Although Town government was deemed an essential business, the pandemic itself and NY PAUSE presented numerous other, more pressing, challenges for the Town Board.

Due to the mandatory restrictions instituted by NY PAUSE and for the health and safety of residents, guests, and employees of the Town, the Town Board deemed it necessary to enact a six (6) month extension of the moratorium by Resolution dated September 1, 2020. Said extension expires on March 31, 2021. The Town has diligently worked to draft suitable legislation for proper and authorized regulation of mining, however, due to the ongoing limitations and restrictions caused by the COVID-19 pandemic, it is deemed necessary to enact this additional six (6) month extension of the moratorium in order to permit the Town Board adequate time in which to draft suitable legislation to address mining within the Town of Kent. During the term of the extended 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 an extension of the 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 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 for an additional six (6) month period commencing on the effective date hereof.

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 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: 3/2/2021, 2021

BY THE ORDER OF THE TOWN BOARD OF

THE TOWN OF KENT

LAKE CARMEL PARK DISTRICT ADVISORY COMMITTEE

Lake Carmel Park District advisory committee shall consist of nine members.

1. If practical, a member shall be selected from each of the six beach areas beach area of Lake Carmel.
2. All members of the Advisory Committee must be a resident or property owner of the Lake Carmel Park District.
3. The initial term of the nine-member committee shall be as follows; the first three members chosen are to serve for three years, the second three members are to serve for four years and the third three members shall serve for five years. All initial terms are to be determined by the lot upon the expiration of the initial term. Each reappointment or new appointment shall be for a period of five years. Any partial term will be filled prior to any full five year term and, if multiple open terms exist, the oldest partial term will be filled first. In the event that the Chairperson's term becomes vacant, the Vice Chairperson will assume the Chairman's position and term. There are no limits on the number of terms any person may hold.
4. The Committee shall choose its own Chairperson from amongst the members of the Committee for a one-year term. The committee shall submit their recommendation to the Town Board for approval.
5. The Town Councilperson(s)man acting as Liaison(s) to the Advisory Committee shall be an ex officio member of the Committee, without vote.
6. The Advisory Committee shall meet regularly once per month, in an open meeting with Lake Carmel residents, who may participate by engaging in discussions and providing input and recommendations, in addition, and open workshop may be called, at the discretion of the Chairperson, by majority vote of the Advisory Board/Committee; these meetings will be open to Lake Carmel Residents to observe and participate.
7. The Advisory Committee may upon resolution be dissolved by the Town Board at any time.
8. Advise as to what may be projects for maintenance and beautification of Lake Carmel.
9. Advise as to long-term projects with a view toward maintenance and improvement of the lake over a period of years.
10. Advise as to the number of employees (non-union) to be hired by the Lake District as workers with the District, i.e., lifeguards, beach checkers (if deemed necessary by the Advisory Committee), and summer maintenance crew.
11. Coordinate all District festivals and recreational functions within the Park District with the approval of the Town Board.
12. Recommend applicants to Town Board for the Lake Carmel Park Advisory Committee.

13. The Advisory Committee may make a recommendation to the Town Board to remove an existing Member for non-participation in meetings and/or conduct unbecomingly of a Member, by a super-majority of Advisory Committee votes (75%). The Member in question may not participate in the vote.

LAKE CARMEL PARK DISTRICT ADVISORY COMMITTEE

Lake Carmel Park District advisory committee shall consist of nine members.

1. If practical, a member shall be selected from each beach area of Lake Carmel.
2. All members of the Advisory Committee must be a resident or property owner of the Lake Carmel Park District.
3. The initial term of the nine-member committee shall be as follows; the first three members chosen are to serve for three years, the second three members are to serve for four years and the third three members shall serve for five years. All initial terms are to be determined by the lot upon the expiration of the initial term. Each reappointment or new appointment shall be for a period of five years. Any partial term will be filled prior to any full five year term and, if multiple open terms exists, the oldest partial term will be filled first. In the event that the Chairperson's term becomes vacant, the Vice-Chairperson will assume the Chairman's position and term. There are no limits on the number of terms any person may hold.
4. The Committee shall choose a Chairperson from amongst the members of the Committee for a one-year term. The committee shall submit their recommendation to the Town Board for approval.
5. The Town Councilperson(s) acting as Liaison(s) to the Advisory Committee shall be an ex officio member of the Committee, without vote.
6. The Advisory Committee shall meet regularly once per month, in an open meeting with Lake Carmel residents, who may participate by engaging in discussions and providing input and recommendations; in addition, an open workshop may be called, at the discretion of the Chairperson, by majority vote of the Advisory Board/Committee; these meetings will be open to Lake Carmel Residents to observe and participate.
7. The Advisory Committee may upon resolution be dissolved by the Town Board at any time.
8. Advise as to what may be projects for maintenance and beautification of Lake Carmel.
9. Advise as to long-term projects with a view toward maintenance and Improvement of the lake over a period of years.
10. Advise as to the number of employees (non-union) to be hired by the Lake District as workers with the District, i.e., lifeguards, beach checkers (if deemed necessary by the Advisory Committee), and summer maintenance crew.
11. Coordinate all District festivals and recreational functions within the Park District with the approval of the Town Board.
12. Recommend applicants to Town Board for the Lake Carmel Park Advisory Committee.
13. The Advisory Committee may make a recommendation to the Town Board to remove an existing Member for non-participation in meetings and/or conduct unbecoming of a Member, by a super-majority of Advisory Committee votes (70%+). The Member in question may not participate in the vote.

Resolution #110 - Lake Carmel Hiring of Lifeguard Supervisor

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

WHEREAS, the Town of Kent is seeking to fill the 2021 summer position of Lifeguard Supervisor for the Lake Carmel Park District; and

WHEREAS, Andrea McKinley has previously been employed as Lifeguard Supervisor and has submitted an application to fill the position of Lifeguard Supervisor for the 2021 season.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Andrea McKinley as Lifeguard Supervisor of the Lake Carmel Park District for the 2021 season at a rate of \$9,750 for the season; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Supervisor to execute any and all documents necessary to give effect to this resolution.

Motion carried unanimously

Resolution #111 - Lake Carmel Fire Department – New Members

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

WHEREAS, the Lake Carmel Fire Department has recommended the acceptance of Carly Zane, Jesse McGrath, and Kendi Briggs as new members of the Lake Carmel Fire Department; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the recommendations of the Lake Carmel Fire Department;

NOW, THEREFORE, BE IT RESOLVED, that Town Board of the Town of Kent hereby accepts and welcomes Carly Zane, Jesse McGrath, and Kendi Briggs as members of the Lake Carmel Fire Department. Motion carried unanimously

Resolution #112 - NYMIR Renewal

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

WHEREAS, the Town's liability insurance policies are in need of renewal and New York Municipal Insurance Reciprocal (NYMIR) has forwarded an application for the Town to submit in order to forward a proposal, a copy of said request is attached hereto and incorporated herein by reference; and

WHEREAS, the Town Board wishes to authorize the Town Supervisor to sign the application for the proposal;

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is hereby authorized and directed to execute any and all agreements and other documents necessary to give effect to this Resolution.

Motion carried unanimously

Approving Police Reform & Reinvention Collaborative Plan

Supervisor Fleming said there was an Executive Order requiring those governing agencies that have a Police Department to perform a comprehensive review of current police force policy and procedures practices. In response to the order the Supervisor along with the Chief and Lieutenant solicited 9 members of the public to be on the Police Panel. Twenty Zoom meetings have been held with the panel developing a survey for residents and police officers. Chief Owens said at first he was resentful but he embraced it and blessed with the volunteers. He believes some good changes are represented in the plan. He asked the public to read the document and if they have questions or comments feel free to contact the police department or the town board so it can be discussed at the public hearing. Supervisor Fleming explained the board can pass this as a local law or a resolution she suggested a resolution, the plan is to have a meeting on the 9th talk again on this on the 16th if we need more time we can set up another meeting. Councilman Denbaum applauded the Chief, he doesn't like being told by the Governor to do this by a certain date or you will lose funding. The mandates are something we currently comply with. He questioned the psychology of bias is it presumed all police officers are bias. He thought we should never discriminate if they can do the job they should be considered for it, should we openly try to target people not based on their qualifications, he doesn't believe that is a great idea. He asked what is procedural justice training. Chief Owens replied officers receive that at the academy

based upon how justice is administered through the courts and police departments. He asked what does implicit bias mean. Chief Owens replied it is a theory that all people have bias based upon their upbringing and education who they are, we all harbor them, all officers now receive implicit bias training. Chief Owens understands he echoed along with many officers his beliefs but after going through the process overall it has been better for the police department and the Town of Kent. Councilman Denbaum said as it stands he cannot support it. He discussed the questionnaire some questions and the response, he felt the Executive order is a threat followed by extortion. He said having separate meetings based upon our color is the exact opposite of Martin Luther King's value. Councilman Huestis said it's a plan it's not a law and it will satisfy the various agencies. He understands where Paul is coming from but we need the funding too. He questioned court reform, it is a joke. Supervisor Fleming said our officers already do most of what is being suggested, Kent is a shining beacon. Councilman Ruthven asked if the officers' have read it and what they think of it. Chief Owens said several have given input to the changes that were made; many were in place they were just tweaked.

Resolution #113 - Add to the Agenda

On a motion by Councilwoman McGlasson

Seconded by Councilman Huestis

Resolved: Hiring a Part Time Data Collector was added to the agenda.

Motion carried unanimously

Resolution # 114 - Authorizing Hiring of a Part Time Data Collector

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

WHEREAS, the Town of Kent duly advertised to fill the position of Part Time Data Collector for the Town Assessor's office; and

WHEREAS, the Town has received documentation from Giovanni Medina evidencing that he has the credentials to fill the position of Part Time Data Collector; and

WHEREAS, the Town Board of the Town of Kent wishes to hire Giovanni Medina to fill said position;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Giovanni Medina as Part Time Data Collector at the rate of \$15 per hour for a maximum of 24 hours per week; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Supervisor to execute any and all documents necessary to give effect to this resolution.
Motion carried unanimously

Resolution #115 - Approval of Vouchers & Claims

On a motion by Councilman Huestis

Seconded by Councilman Ruthven

Resolved: All Vouchers # - # and claims submitted by:

1. Cemco	\$7,047.00	January Operations WD#1
2. Champion Salt	\$8,477.70	Salt
	\$12,212.57	
	\$9,672.58	
3. Chemung Supply Corp.	\$18,716.50	Pipes/Grates
4. City Carting	\$4,961.03	Lake Carmel Garbage
	\$5,153.28	
5. Goosetown Communications	\$24,300.00	Radio System
6. Hogan & Rossi	\$5,416.63	March 2021 Legal Services
7. Kent Fire District #1	\$495,310.00	2021 Budget
8. Magna5	\$3,939.05	Telephone Service
9. Medicare Reimbursements	\$26,815.68	1 st Quarter Reimbursements
10. Millennium Strategies	\$2,250.00	Grant Services: February
11. NYSEG	\$2,258.11	Electric: Town Hall
12. Purchase Power	\$2,000.00	Postage
13. Royal Carting	\$6,059.10	Recycling Garbage
14. Spain Agency	\$68,692.13	Insurance Installment
15. State Comptroller	\$30,981.00	Justice Court Fines & Fees
16. Lake Carmel Fire Dept.	\$934,759	2021 Budget

#200158165 - #200158375

In the amount of \$ can by paid. *\$ 5,837.31 for 2020*
 Motion carried unanimously *\$1 1,757,183.53 for 2021*

Public Comment

Councilman Ruthven had an opportunity to watch presentation on community choice aggregate, and thought it worth taking a look at, it is basically a purchasing consortium for electric. Supervisor Fleming said she would be interested in seeing it again.

Councilman Ruthven suggested a Natural Resource Inventory Grant that he seen today and will be asking our grant writer to pursue.

Councilman Huestis said the Jamal Brothers would like to come to the March 16th meeting to present a conceptual plan on what they would like to do with Bob's Garage.

Sue Kotzur asked if Chief Owens has concerns about legalizing marijuana. Chief Owens thought it will eventually happen all police departments are concerned, if you read the studies on how it effects the youth we will have more impaired driving and visits to the hospital. He knows many people support it he is against it. He does not think it will be good for the youth of America or America at all.

Resolution #116 - Adjourn to Executive Session

On a motion by Councilwoman McGlasson

Seconded by Councilman Huestis

Resolved: The board adjourned to executive session at 9:16 p.m.

Motion carried unanimously

Resolution #117 -Adjournment

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

Resolved: The meeting adjourned at 10:08 p.m.

Motion carried unanimously

Respectfully submitted:

Yolanda Cappelli

Yolanda D. Cappelli

Town Clerk

