

## **TOWN BOARD MEETING AUGUST 3, 2021**

A regular Town Board Meeting was held on Tuesday, August 3, 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](http://www.townofkentny.gov) under Video's on Demand.

### **Pledge of Allegiance**

Supervisor Fleming called the meeting to order with the Salute to the Flag.

### **Resolution #258 - Open Public Hearing – Extension of Mining Moratorium**

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The Public Hearing on the Extension of Mining Moratorium was opened.

Motion carried unanimously

### **Public Hearing – Extension of Mining Moratorium**

Supervisor Fleming stated the current moratorium expires on September 3<sup>rd</sup>, before the board is the local law which is the previous local law amended to include this extension which would expire March 2, 2022. She said the board has contracted with the Town Planner, Environmental Consultant and the engineer for the Planning Board in coming up with legislation that meets the needs and concerns of the public and the board. She hopes within the next six months we will have the legislation in place. Councilman Denbaum proposed certain changes to the law and advocated to the board members to change the law, he does not think we need experts to write a law and didn't know why it's taking 18 months. He thought the impetus from the community was not wanting a truck stop, and the town mined, we prohibit mining and move on, but 18 months later getting input from three experts to write a law that states no mining in the Town of Kent. He said he has faith in our competent attorney to be able to work with the board to write the law. He was fine with a six month extension but though it was something the board could do. There were no further comments. Supervisor Fleming explained when we have public hearings it's generally put over to the next meeting but advised all at the last meeting that the board was not going to be doing that with this moratorium because it expires before our next meeting in September.

### **Resolution #259 - Close Public Hearing – Extension of Mining Moratorium**

On a motion by Supervisor Fleming

Seconded by Councilman Ruthven

Resolved: The public hearing on the Extension of Mining Moratorium was closed.

Motion carried unanimously

### **Roll Call:**

Supervisor Fleming: present

Councilman Huestis: absent

Councilman Denbaum: present

Councilman Ruthven: present

Councilwoman McGlasson: present

Also present: Town Clerk Cappelli, Town Counsel Tagliafierro, Chief Owens, Recycling Co-Chair Kotzur, Lake Carmel Park District Chair Recher and several members of the public.

### **Resolution #260 - Adopting Local Law #2/2021 - Extending of Mining Moratorium**

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 #2/2021 (the "Local Law") of the year 2021 before the Town Board of the Town of Kent on July 20, 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 August 3, 2021 and the public was invited to attend and be heard on the matter;

NOW THEREFORE, BE IT RESOLVED, that Introductory Local Law #2 of 2021 is hereby enacted by the Town Board of the Town of Kent as Local Law #2 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

## **TOWN BOARD MEETING AUGUST 3, 2021**

### **TOWN OF KENT LOCAL LAW NO.2 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 expired on March 3, 2021. The Town Board deemed it necessary again to enact an additional six (6) month extension by resolution on March 2, 2021 which is set to expire on September 3, 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

## **TOWN BOARD MEETING AUGUST 3, 2021**

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

## **TOWN BOARD MEETING AUGUST 3, 2021**

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.

## TOWN BOARD MEETING AUGUST 3, 2021

### 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: \_\_\_\_\_, 2021

BY THE ORDER OF THE TOWN BOARD OF

THE TOWN OF KENT

### **Resolution#261 - Open Public Hearing on Lake Carmel Park District Town Code Changes**

On the motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: Public hearing on Lake Carmel Park District Town Code changes was opened.

Motion carried unanimously

### **Public Hearing Lake Carmel Park District Town Code Changes**

Supervisor Fleming said this has been on a few agendas, the language was set from previous comments. She has not received any further written comments from residents on the proposed. Resident Sue Kotzur questioned C. on page 21 wearable life jackets...life preservers, she suggested changing it to a PFD a personal flotation device. The board discussed the difference being coast guard approved and were satisfied that the language was interchangeable.

### **Resolution#262 - Close Public Hearing on Lake Carmel Park District Town Code Changes**

On the motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The public hearing was closed.

Motion carried unanimously

### **Resolution #263 - Adopt Local Law #3/2021 Lake Carmel Park District Town Code**

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

WHEREAS, a local law amending Chapter 50, entitled "Park District No. 1" was introduced as Introductory Local Law # 3 (the "Local Law") of the year 2021 before the Town Board of the Town of Kent on June 15, 2021; and

WHEREAS, the public hearing was opened on July 6, 2021, continued on July 20, 2021 when revisions to the proposed local law were accepted; and

WHEREAS, and the public hearing was therefore adjourned to August 3, 2021, and the public was invited to attend and be heard on the matter;

NOW THEREFORE, BE IT RESOLVED, that Introductory Local Law #3 of 2021 is hereby enacted by the Town Board of the Town of Kent as Local Law #3 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

## **PARK DISTRICT # 1 (LAKE CARMEL PARK DISTRICT)**

### **§ 50-1 Definitions.**

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

#### **BATHING AREA**

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

#### **OWNER**

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

#### **PARK DISTRICT NO. 1**

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

#### **PERMIT**

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

#### **PERSON**

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

#### **POLICE OFFICER**

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

### **§ 50-2 Interpretation and scope.**

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

#### **A.**

Any term in the singular shall include the plural.

#### **B.**

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

#### **C.**

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

#### **D.**

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

### **§ 50-3 Access to park by residents.**

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

## **TOWN BOARD MEETING AUGUST 3, 2021**

use said parklands may be revoked for any period of time necessary.

### **§ 50-4 Identification; car stickers.**

#### **A.**

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

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

#### **B.**

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

### **§ 50-5 Boat registration.**

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

#### **A.**

Registration stickers.

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

#### **(1)**

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

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

#### **(2)**

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

#### **(3)**

Trolling motors must display a current registration sticker. Trolling motors must be registered yearly at the fee established through Town Board resolution.

#### **B.**

All boats shall be removed from the Park District property around Lake Carmel for the period of time from November 1 until March 15. Within two weeks after November 1 of each year, the Town Board shall notify the owner to remove his or her boat. Any person

## TOWN BOARD MEETING AUGUST 3, 2021

found guilty of a violation will result in the park officials impounding said boat. A fee as set by resolution of the Town Board shall be collected before the same is returned. Said fee shall be added to the Park District funds.

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

### **C.**

#### **Wearable Life Jackets**

##### **(1)**

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

##### **(2)**

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

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

##### **(3)**

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

##### **(a)**

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

##### **(b)**

A fine which shall be set by Town Board resolution for a second or subsequent offense along with the revocation of the boat registration.

##### **(4)**

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

### **D.**

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

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

### **§ 50-6 Curfew.**

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

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

### **§ 50-7 Preservation of plant life.**

#### **A.**

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

#### **B.**

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

#### **C.**

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

#### **D.**

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



## TOWN BOARD MEETING AUGUST 3, 2021

### **E.**

No person shall attach any rope, cable or other contrivance to any tree, shrub or other plant.

### **F.**

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

### **G.**

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

### **H.**

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

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

### **A.**

Rubbish and refuse matter. No person shall take into, carry through, leave in, or throw, cast, lay, drop or discharge into or on, or suffer or permit any servant, agent, employee or person in his or her charge to take into, carry through, leave in, throw, cast, lay, drop or discharge into or on, any park or park street any rubbish of any sort, including, but not limited to, ashes, dross, cinders, shells, fruit, fruit skins, vegetable foodstuff, paper, pasteboard, dirt, sand, oil, grease, clay, loam, stone or building rubbish, hay, straw, oats, sawdust, shavings, or manufacturing, trade or household waste, vehicles or parts thereof as junk, old iron or other metal, or objects made therefrom; or sick, diseased or dead animals, organic refuse or other offensive matter, including swill, brine, urine, offal, fecal matter, garbage or rubbish.

### **B.**

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

### **C.**

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

### **D.**

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

### **E.**

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

[1]

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

## **§ 50-9 Firearms and weapons.**

No person shall have or carry, whether or not concealed upon his person, any pistol or revolver, or any instrument or weapon commonly known as a "toy pistol" or in which or upon which loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition therefor, except when so authorized by law. No person shall use any rifle,

## TOWN BOARD MEETING AUGUST 3, 2021

shotgun or fowling piece, or any air gun, spring gun or other instrument or weapon in which the propelling force is a spring or air, within the confines of Park District No. 1.

### § 50-10 **Dogs.** [1]

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

[1]

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

### § 50-11 **Reserved**

### § 50-12 **General conduct.**

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

**A.**

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

**B.**

Using threatening, abusive or insulting language.

**C.**

Doing any obscene or indecent act.

**D.**

Throwing stones or other missiles.

**E.**

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

**F.**

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

**G.**

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

**H.**

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

**I.**

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

**J.**

Engaging in, instigating, aiding or encouraging a contention or fight.

**K.**

Assaulting any person.

**L.**

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

**M.**

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

**N.**

Dressing or undressing in autos, trucks, buses or other conveyances or anywhere within

## TOWN BOARD MEETING AUGUST 3, 2021

the parkland except in such places as may be designated or maintained by the Park District for such purpose.

**O.**

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

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

### § 50-13 **Traffic control.** [1]

**A.**

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

**B.**

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

**C.**

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

**D.**

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

**E.**

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

**F.**

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

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

[1]

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

### § 50-14 **Structures.**

**A.**

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

**B.**

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

### § 50-15 **Motorboats, airplanes and drones.**

## TOWN BOARD MEETING AUGUST 3, 2021

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

### § 50-16 **Penalties for offenses.**

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

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

### § 50-17 **Fishing restrictions.**

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

#### **A.**

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

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

#### **B.**

Any person violating any of the provisions of this section shall be liable for and shall pay a penalty to be set by Town Board Resolution.

### § 50-18 **Glass containers.**

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

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

### § 50-19 **Alcoholic beverages.**

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

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

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

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

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

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

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

Walter Recher, Chairperson of the Lake Carmel Park District Advisory Board thanked the board for working through the process with them, a lot of time was spent on this and asked that it be made public to the residents

### **NYSERDA Community Solar Campaign**

Councilman Ruthven explained the Climate Smart Community Task Force tries to promote ideas that are beneficial to residents to reduce greenhouse gases and combat climate change. The NYSERDA Community Solar Campaign is one avenue they have been looking at. Joe Montuori of Sustainable Putnam and Corinna Ricard of Ampion were present to give a verbal presentation. Mr. Montuori said Solarized Putnam is a collaborative initiative sponsored by NYSERDA, Hudson Valley Regional Council being the local arm. He said the goal is to assist Putnam County municipalities in promoting community solar which helps people reduce greenhouse admissions at the same time saving residents up to 10% on their electric costs and also receiving a \$100 VISA gift card by signing or opting in. Ampion will also make a \$100 donation to the Town of Kent for every person

## TOWN BOARD MEETING AUGUST 3, 2021

participating for any use but encouraged something beneficial and exciting to the public. He said if 10 people in Kent participate a \$5,000 action grant for a preapproved project geared to clean energy will be given by NYSEDA and 200 points toward Clean Energy Community status helping with Climate Smart status. He said there are many financial as well as environmental benefits plus jobs. Mrs. Ricard explained it is not the same thing as having solar panels installed. She said NYS has lofty renewable energy goals in order to get there they need participation of NYS businesses and residences who may not desire to install solar panels on their property the solution being is Community Solar. These are large scale solar farms across the state that you can join. It is quick to join, a guaranteed savings program, you're not paying a kilowatt rate, a credit is applied to your utility bill each month enrolled. You enroll on line, Ampion looks at your usage history and assigns them a share of the solar farm. The electricity generated on that farm goes on the electric grid you receive one bill from your provider and there is a Community Solar credit applied which is a negative line item reducing the amount you owe, it will vary season by season but guaranteed 10% savings annually. Mr. Montuori said if your electric usage should change maybe installing electric heat or an electric car you notify Ampion to up your allocation. He said Kent would have a landing page with the town's seal, the wording would be up to the Town as well as the way the money is spent. He said the Clean Energy Campaign is simply a NYSEDA program to promote clean energy opportunities. He said if you choose to participate the Climate Smart Task Force would be promoting it within town. Ampion will also spend up to \$5,000 on publicity programs including mailings, web page etc. If a resident no longer is happy they just opt out, it often takes the utility company 90 days so they ask for 90 day notice. He said any business, residence or town facility can sign up. Mrs. Ricard said participating in a Community Solar Campaign does not bar you from also choosing an ESCO. The one limitation is if you already have solar panels on a building you are not eligible for Community Solar. Councilman Denbaum asked if you can sign up for this without the whole municipality program. Mr. Montuori replied yes they like to have the municipalities on board because it is new and a confusing market, most people do not have the time to investigate and explore all the possibilities. It helps people make the decision. Councilman Denbaum said you're essentially counting on the town to be the face of the trust us as opposed to procuring that trust in the market itself. Mrs. Ricard said they are a public benefit corporation working to benefit the communities they serve and this is one way to fulfill the mission especially with the NYSEDA funding. Supervisor Fleming saw this as a win, residents can do as they want, they and the town as a whole will benefit. Councilman Ruthven thought it fits into our Climate Smart mission and public outreach to educate people its good public relation. Councilman Denbaum questioned who is running our Climate Smart social media platform as they seem to dabble in things outside the scope of the Town of Kent NYSEDA, talking about petitioning against power plants etc. he has asked without an answer who is running this, he has concerns putting the town's stamp of approval on a program that someone else is setting up the campaign. He had concerns about social justice that will get jammed into this and he said it is, the board has no control over the message and outreach being provided to our citizens with our stamp of approval. Councilman Ruthven said a member of the Climate Smart Committee is doing the Facebook page, there are things on there that Councilman Denbaum doesn't agree with but the mission is to combat Climate Change and reduce Greenhouse gases. It is relaying information. Supervisor Fleming said not everyone believes in Climate Change but that doesn't mean that it is not a real thing and shouldn't work to combat it. We are not telling people they have to do it but encouraging people. This program is just offered if you want you can sign up. Mrs. Richard said they work with 10 municipalities in the State, all the language would always be approved by the town. The board discussed the various boards and committees their web page and Facebook pages and politics. Councilman Denbaum stated Sustainable Putnam went through the process of vetting out the other companies we hope they found what they think is the best company. The board discussed approval, a booth at Kent Community Day, they discussed doing the research and having this on the meeting before Kent Community Day.

**\*\*\*Councilwoman McGlasson, Mr. Montuori and Mrs. Ricard left the meeting at this point.**

### **RESOLUTION #264 - APPOINTING MEMBER TO LAKE CARMEL PARK DISTRICT ADVISORY BOARD**

On a motion by Councilman Ruthven

Seconded by Supervisor Fleming

**WHEREAS**, the Lake Carmel Park District Advisory Board (the "LCDPAB") currently has a vacancy, and Joe Nemeth has submitted an application and been interviewed to fill said vacancy; and

**WHEREAS**, the LCPDAB has recommended the appointment of Joe Nemeth to the Board; and

**WHEREAS**, the Town Board of the of Kent wishes to appoint Joe Nemeth to fill the vacancy on the LCPDAB;

**NOW, THEREFORE, BE IT RESOLVED**, that Joe Nemeth be appointed as a member of the Lake Carmel Park District Advisory Board, filling the term of Madeline Perez, which term expires on December 31, 2025.

Motion carried unanimously

### **Resolution #265 - Accepting Quote for Tree Removal for the Lake Carmel Park District**

On a motion by Councilman Denbaum

**TOWN BOARD MEETING AUGUST 3, 2021**

Seconded by Councilman Ruthven

**WHEREAS**, there is a need for the removal of a compromised tree in the Lake Carmel Park District; and

**WHEREAS**, in accordance with the Town’s Procurement Policy, the Town requested quotes for the removal of the trees, and received 3 written quotes in response, copies of such quotes and attached hereto and incorporated hereby; and

**WHEREAS**, Red Oak Tree Services Inc. has submitted the lowest quote in the total amount of \$700; and

**WHEREAS**, the Town Board of the Town of Kent wishes to accept the quote submitted by Red Oak Tree Services Inc;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby approves the removal of the damaged tree in the Lake Carmel Park District by Red Oak Tree Services Inc. for a price not to exceed \$700.  
Motion carried unanimously

**Setting Lake Carmel Park District Fee Schedule – This item was held over**

**Resolution #266 - Authorizing Correction of Violation, Acceptance of Proposal & Charge to Property Owners**

On a motion by Councilman Ruthven  
Seconded by Supervisor Fleming

**WHEREAS**, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation (the “Order to Remedy Removal of Brush”) directing the removal rubbish, excess weed, grass and brush growth from the following properties:

8 Heathcote	Tax Map 33.74-1-36; and
238-240 Route 52	Tax Map 44.5-2-28;

**WHEREAS**, the Order to Remedy requires each owner to correct the violations or respond to the Code Enforcement Office within ten days and, to date, the owners of the Properties have not responded; and

**WHEREAS**, pursuant to Chapter 55A of the Town Code of the Town of Kent regarding “Property Maintenance”, upon the failure of any owner to comply, the Building Inspector is authorized to correct a violation subject to the approval of the Town Board; and the Town Board wishes to authorize the Building Inspector to correct the violations; and

**WHEREAS**, consistent with the Town’s Procurement Policy, the Town of Kent requested three written proposals from contractors to correct the violations on the Properties and received proposals in response, a copy of which is annexed hereto and incorporated by reference; and

**WHEREAS**, the Town Board wishes to accept the lowest proposal submitted on the properties as further outlined below:

8 Heathcote	\$ 700	Bill Henry Tree Service
238-240 Route 52	\$ 300	JB Affordable Lawn Care Inc.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts the proposals of Bill Henry Tree Service and JB Affordable Lawn Care Inc., as described above for a total cost not to exceed \$1,000; and

**BE IT FURTHER RESOLVED** that the actual cost of the correction of the violation, plus the accrued legal rate of interest from the date of completion of the work, shall be charged to the property owners by the Town in accordance with Chapter 55A-12 (B).  
Motion carried unanimously

**Resolution #267 - Add Item to the Agenda**

**TOWN BOARD MEETING AUGUST 3, 2021**

On a motion by Supervisor Fleming  
Seconded by Councilman Ruthven  
Resolved: Hire a Seasonal Employee for Recreation & Parks Department was added to the agenda.  
Motion carried unanimously

**Resolution #268 - Hire Seasonal Employee Recreation & Parks Department**

On a motion by Supervisor Fleming  
Seconded by Councilman Ruthven

**WHEREAS**, the Town of Kent is seeking to fill a vacant position for Seasonal Employees for the Recreation and Parks Department; and

**WHEREAS**, Jared Kuczenski, Director of the Recreation and Parks, has recommended the hiring of Chris Heller, who is currently employed as a temporary Recreation Assistant, to fill the position; and

**WHEREAS**, the Town Board believes it to be in the best interests of the Town to accept the recommendation of the Director of Recreation and Parks; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes the transfer and hiring of Chris Heller from temporary Recreation Assistant to Seasonal Employee for the Recreation and Parks Department at the rate of \$15.00 per hour, not to exceed thirty (30) 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 #269 - Approval of Vouchers & Claims**

On a motion by Councilman Denbaum  
Seconded by Supervisor Fleming  
Resolved: All Vouchers #200160031 - #200160141 and claims received by:

1. Duke Fence	\$5,090.00	Fence Beach 7
2. Home Depot	\$2,001.40	Leaf Bags
3. Kevin P. Irwin	\$2,835.00	Special Prosecutor
4. Magna5	\$3,928.59	Telephone Service
5. Magna5 MS	\$2,934.35	Network Services: April
	\$2,990.00	Network Services: May
	\$2,918.10	Network Services: June
	\$2,955.15	Network Services: July
6. Millennium Strategies	\$2,250.00	Grant Services
7. Portadam Inc.	\$14,525.00	Labor Bridge Replacement 6/21 – 6/23
8. Portadam Inc.	\$9,990.00	Labor Turnaround “ 7/6 – 7/7
9. LHV Precast Inc,	\$56,076	Stone Strong Blocks
10. Robert Green Truck	\$82,802.50	2021 Ram 5500 Dump T ruck
11. City Carting & Recycling	\$7,034.37	LC Sanitation
12. City Carting & Recycling	\$7,148.43	LC Sanitation
13. Amthor Welding Services	\$2,350.00	Municipal Repairs to Tenco

In the amount of \$240,086.75 may be paid.  
Motion carried unanimously

**Announcements**

- Kent Recreation Summer Movie Series is underway information is on the website
- Lake Carmel Park District 28<sup>th</sup> Summer Festival is Saturday August 14, 2021 at Beach 3, registration begins at 9:00 a.m.
- Kent Community Weekend is Friday 9/10, 9/11 & 9/12/2021
- The work at the Sewer District has been repaired.

**Public Comment**

Sue Kotzur had no objections to the Solar Company being at Kent Community Day but did not think it is proper to have the town seal on any of their literature. Walter Recher does not like to see politics on any social media. He had a question on the code violations on a property on Route

## **TOWN BOARD MEETING AUGUST 3, 2021**

52, it seemed the violation was for overgrown weeds and asked if the buildings are fine. Supervisor Fleming said the properties are on the board's radar and discussion are beginning.

### **Resolution #270 - Executive Session**

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: The board adjourned to Executive Session at 8:35 p.m. to discuss matters leading to the appointment of a particular person.

Motion carried unanimously

### **Resolution #271 - Adjournment**

On a motion by Supervisor Fleming

Seconded by Councilman Ruthven

Resolved: The Town Board Meeting of August 3, 2021 adjourned at 9:11 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli

Town Clerk