

Town of Kent
Town Board Meeting
September 5, 2023

Workshop/Meeting

1. Pledge of Allegiance
2. Roll Call
3. Discussion and/or Vote on the following:
 - a. Lake Sagamore- speed limit
 - b. Grants- CREST funding
 - c. Sewer District- appoint members
 - d. Courts- stipend for translator
4. Vouchers
5. Announcement
6. Public Comment

From: Mondello, Lisa (DOT) <Lisa.Mondello@dot.ny.gov>
Sent: Wednesday, March 29, 2023 3:15 PM
To: Richard Othmer <rothmer@townofkentny.gov>
Cc: Mackenzie, Amy (DOT) <Amy.Mackenzie@dot.ny.gov>
Subject: FW: Response T23-033: New Speed Limit

Dear Mr. Othmer,

Thank you for contacting New York State Department of Transportation (NYSDOT) regarding area speed limits. My apologies for the delay in responding to you.

Please see the attached traffic order for the Town of Kent (08 06 1992.pdf). The boundary of Kent's existing 30 MPH area speed limit is the boundary of the Town of Kent. The area speed limit excludes the roads listed in paragraph 2 of the document. I've also included the Amended NYS V&T Sec 1643 and some guidance from the Traffic and Safety office regarding speed limits.

An area speed limit is one that applies to all highways within a specified area except those specifically excluded. By the latest amendment to Section 1643 of the NYS Vehicle and Traffic law (attached), no such speed limit shall be less than 25 MPH. Area speed limits generally exclude through streets which carry traffic other than that generated in the area. The appropriate speed limit for an area regulation should be determined with respect to major streets within the area. While minor streets would likely be more numerous, and possibly have greater aggregate length, major streets are of greater significance with respect to the area traffic pattern and are usually the source of local concern. Minor streets are generally of less significance, since they carry little traffic and often involve conditions which effectively limit speed.

As you know from reading the Department of State's Information for Town Officials (the link for which you attached in your below email) certain conditions are necessary, and a process must be followed, to establish the Town of Kent as a Suburban Town. Once the Suburban Town Designation is made by the Department of State, a town is able to set its own speed limits. Otherwise, NYSDOT would have to approve any change to the speed limit on Town roads.

If the Town of Kent wishes to have the area speed limit reduced, the Town may send an official request in the form a town resolution, along with a TE-9a form (attached), to the Putnam County Commissioner of Highways and Facilities. If the County concurs with the request, the County will forward the request to NYSDOT. At the time the paperwork is received, NYSDOT will initiate a speed study for the area speed limit.

Alternatively, the Town of Kent could opt to hire a Professional Engineer specializing in traffic operations to conduct a study according to NYSDOT standards and methodology and submit it to NYSDOT for review.

If the request is approved, the Town of Kent would be responsible for all signing which would need to be done according to the Manual of Uniform Traffic Control Devices (MUTCD) and the NYS Supplement to the MUTCD.

As you will likely be discussing a reduced area speed limit internally with other Town officials, you may also want to discuss with the local police agency if a reduced speed limit would be enforceable.

Please let me know if I can be of further assistance.

Best regards,

Lisa A. Mondello, P.E.

Professional Engineer - Traffic and Safety Group

New York State Department of Transportation, Hudson Valley Region

6 Cornell Boulevard, Poughkeepsie, NY 12503

(845) 437-3320 | lisa.mondello@dot.ny.gov

www.dot.ny.gov



Speed Limits in New York State

A. NYS laws regarding speed limits were changed on August 12, 2022.

1. The minimum allowable area speed limit changed from 30 mph to 25 mph. The minimum allowable linear speed limit remains 25 mph.
2. A provision was added stating that speed limits must be set in accordance with the engineering considerations and factors for speed limits set forth in the *Manual on Uniform Traffic Control Devices (MUTCD)* and *NYS Supplement (Supplement)*.
3. A provision was added stating that speed limits must be certified by a licensed professional engineer who specializes in traffic operations.

B. The changes in law did not include any change to who has the authority to set speed limits.

Generally:

1. NYSDOT sets speed limits on all state highways. (NYS Vehicle & Traffic Law, §1620)
2. Cities and villages set speed limits on highways within their jurisdictions, except for state highways. (NYS Vehicle & Traffic Law, §1643)
3. NYSDOT sets speed limits on town and county highways. (NYS Vehicle & Traffic Law, §1622)
4. Towns with populations greater than 50,000 people, and suburban towns, may set speed limits on all highways open to public traffic in the town outside villages, except for state highways. (NYS Vehicle & Traffic Law, §1662-a) Official status as a suburban town can only be obtained by following the procedures outlined in law, and filing the necessary notice with the Secretary of State. (NYS Town Law, §50-a)

C. Setting speed limits in New York State.

1. Requirements come from the MUTCD and Supplement. NYSDOT Traffic Safety & Mobility Instruction (TSMI) 17-05 provides additional recommendations.
2. An engineering study certified by a Professional Engineer who specializes in traffic operations is required.
3. The appropriate speed limit for a linear regulation should be determined using one of three methods:
 - a) Within 5 mph of the 85th-percentile speed of free-flowing traffic using radar.
 - b) Conducting a floating vehicle check during free-flow conditions.
 - c) Using USLIMITS2, a FHWA web-based speed limit tool.
4. An area regulation may be used where an area speed limit would be reasonable and warranted in terms of the physical characteristics and development of the area involved. The appropriate speed limit for an area regulation should be determined with respect to the "major streets" within the area. Major streets are those streets which serve as main arteries in providing access to and from various sections of the area. This is distinct from a "through street," which passes completely through the area, and carries some traffic other than that generated in the area, and a "minor street," which generally serves motorists traveling between a point on a street within the area, and the area entrance/exit.

D. References.

1. MUTCD Section 2B.13 (<https://mutcd.fhwa.dot.gov/pdfs/2009r1r2r3/part2b.pdf>)
2. Supplement Section 2B.13 (<https://www.dot.ny.gov/divisions/operating/oom/transportation-systems/repository/B-2011Supplement-adopted.pdf>)
3. NYSDOT TSMI 17-05 (<https://www.dot.ny.gov/divisions/operating/oom/transportation-systems/repository/TSMI-17-05.pdf>)

Regional Traffic Engineer
Region No. _____
Department of Transportation

The Town Board of the Town of _____, by a resolution adopted _____ (*Date*), and the County Superintendent of Highways of the County of _____, hereby request the Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law, to establish a lower maximum speed at which vehicles may proceed on _____, a **County Road / Town Highway (Circle One)** between _____ and _____

Upon receipt of the notice that the regulation herein requested has been established, the _____ of _____, will provide, install and maintain signs in accordance with the Vehicle and Traffic Law and conforming to the Manual of Uniform Traffic Control Devices of the Department of Transportation.

Dated

Town Clerk

Dated

County Superintendent

Comments by County Superintendent:

**THE SENATE
STATE OF NEW YORK**



PETER B. HARCKHAM
SENATOR, 40TH DISTRICT

CHAIR
ENVIRONMENTAL CONSERVATION

COMMITTEES
ALCOHOLISM AND SUBSTANCE ABUSE
CODES
INSURANCE
LOCAL GOVERNMENT
TRANSPORTATION
VETERANS, HOMELAND SECURITY
AND MILITARY AFFAIRS

ALBANY OFFICE
ROOM 812
LEGISLATIVE OFFICE BUILDING
ALBANY, NEW YORK 12247
(518) 455-2340

WESTCHESTER OFFICE
1 PARK PLACE
SUITE 302
PEEKSKILL, NEW YORK 10566
(914) 241-4600

PUTNAM OFFICE
40 GLENEIDA AVENUE
3RD FLOOR
CARMEL, NEW YORK 10512
(845) 225-3025

Dear Local Leader:

I am proud to announce the availability of \$2.1M of Community Resiliency, Economic Sustainability, and Technology Program (CREST) grants for local governments. As chair of the Environmental Conservation Committee, I will be prioritizing municipal grant applications that support our transition to a fossil fuel-free, clean energy future. Each municipality in the 40th District is eligible for up to \$100,000.

Examples of eligible projects include:

- Electric vehicles
- EV charging stations
- Renewable energy generation
- Municipal building electrification (heat pumps, geothermal, etc)

The historic heat recorded earlier this month and the recent air quality emergencies due to Canadian wildfires are profound examples of the kinds of weather-related emergencies that can affect our communities due to climate change. Even in the absence of these disasters, air quality in our region regularly fails to meet US Environmental Protection Agency standards. Much of this can be attributed to the combustion of fossil fuels for transportation and for the heating of buildings. To protect the health and safety of our constituents, we must take all reasonable steps to minimize the burning of fossil fuels.

In addition to the environmental and public health benefits, participating in the energy transition will yield financial gains as well savings on fuel costs. Therefore, I encourage local governments to submit to my office requests for funding, up to \$100,000 per municipality, for municipal electrification and renewable energy projects.

Grant packets will be distributed by Sarah Perez next week. Her email is Perezs@nysenate.gov and her telephone number is (518) 455 2343.

Sincerely,

A handwritten signature in black ink that reads "Peter B. Harckham".

Peter B. Harckham,
New York State Senator, 40th Senate District

**COMMUNITY RESILIENCY, ECONOMIC SUSTAINABILITY, AND TECHNOLOGY PROGRAM
(CREST)
PRELIMINARY APPLICATION**

SECTION 1: GENERAL INFORMATION**A. Project Name:**

Project Location(s) (e.g. DASNY campus):

Project Address(es) (e.g. 515 Broadway):

B. Organization / Grantee:

Legally Incorporated Name:

Street (not P.O. Box):

City: Zip: County:

Phone:

Ext:

Fax:

E-mail: _____

Contact Name & Title:

Federal Taxpayer I.D.

Charity Reg.# (Non-profits Only):

1. Type of Organization:

Business Corporation

Municipal Corporation

Other

State

Non-Profit

2. a) Is the organization currently seeking or receiving any other New York State assistance for this project?

No

Yes

b) Is the CREST Grant a match to receiving the other New York State Assistance?

No

Yes

If either a or b is Yes, please provide a detailed explanation on an attached separate sheet.

SECTION 2: PROJECT INFORMATION

Note - All projects under CREST must have a useful life of not less than 10 years.

1. Project Purpose - indicate the appropriate project purpose

Arts

Educational

Climate Change Mitigation

Projects requiring DED certification:

Cultural

Parks & Rec

Resiliency

Port Development

Athletic

Transportation

Environmental Sustainability

Economic Development

Housing

Tourism

Civic Activities

Workforce Training

Child Care

Community Redevelopment

Employment Development

Please attach a **separate sheet** with a detailed description of the specific capital project that will be undertaken and funded pursuant to this Grant. If multiple project locations and addresses, please list in project description.

2. Project Start Date: _____ Anticipated Date of Project Completion: _____

3. Please list the anticipated amount of funding to be received from the CREST Program for this project. Minimum \$50,000.
\$ _____

4. Will any entity other than the Grantee set forth in Section 1, above, be paying any project related costs? <u>If Yes</u> , please attach a separate sheet setting forth the costs to be paid by another entity, as well as a description of the relationship between the Grantee and the other entity.	<input type="checkbox"/> No <input type="checkbox"/> Yes
5. Does the Applicant own the site where the project will be located? <u>If Yes</u> , please provide the deed. <u>If No</u> , please attach a separate sheet describing the control the Applicant has over the Project site and include lease if applicable.	<input type="checkbox"/> No <input type="checkbox"/> Yes
6. Does the applicant plan to occupy 100% of the project facility? <u>If No</u> , attach a schedule explaining the planned occupancy.	<input type="checkbox"/> No <input type="checkbox"/> Yes
7. a. If an organization other than the Grantee will have an interest in the equipment or real property purchased with grant funds, please attach a description of the legal relationship between the grantee and the other organization. b. Will the non-fixed equipment and/or capital assets to be paid for with grant funds be for the sole use of the grantee? <u>If No</u> , please explain.	<input type="checkbox"/> No <input type="checkbox"/> Yes
8. Does the equipment and/or capital assets to be paid for with grant funds have a useful life of not less than ten years. <u>If No</u> , please explain.	<input type="checkbox"/> No <input type="checkbox"/> Yes
9. Does the project require environmental or other regulatory permits? <u>If Yes</u> , please specify type: Have they been secured? <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> NA <u>If No</u> , please specify why:	<input type="checkbox"/> No <input type="checkbox"/> Yes
10. Has any State or local government agency reviewed the project under the State Environmental Quality Review Act (SEQRA)? <u>If Yes</u> , please set forth the lead agency for the review and provide a copy of the negative declaration, findings statement, or Type II memo issued by the lead agency.	<input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> NA
SECTION 3: ELIGIBILITY FOR TAX-EXEMPT FINANCING	
1. Has the applicant previously received financing from the sale of tax-exempt bonds for <u>this project</u> ? <u>If Yes</u> , attach a schedule describing the details of such financing.	<input type="checkbox"/> No <input type="checkbox"/> Yes
2. Does the applicant anticipate applying for financing for <u>this project</u> from the sale of other bonds?	<input type="checkbox"/> No <input type="checkbox"/> Yes
3. Have any funds been expended or obligations incurred to date on that portion of the project for which this application is made? <u>If Yes</u> , attach a schedule showing details of such disbursements (date, purpose, payee, etc.).	<input type="checkbox"/> No <input type="checkbox"/> Yes
4. Will the Grantee be utilizing internal labor for any portion of the project? <u>If Yes</u> , attach a narrative summarizing the usage and dollar value of internal labor on the project. Internal labor costs will <u>not</u> be reimbursed from CREST Grant proceeds.	<input type="checkbox"/> No <input type="checkbox"/> Yes
5. Is the grantee or project location(s) owned or affiliated with a state related entity (e.g. public benefit corporation, entity with governance appointed by Governor of NYS)? <u>If Yes</u> , please attach explanation.	<input type="checkbox"/> No <input type="checkbox"/> Yes

SECTION 4: PROJECT BUDGET

Complete the following Project Budget detailing the proposed sources and uses of funds (attach additional sheets if necessary) that will be utilized to complete the Project. State the source of the funding, and any contingencies that need to be satisfied prior to accessing the funds.

Please include evidence of committed funding sources to be used to complete the project as described. This may include a copy of letter(s) of credit, award letters, a resolution from the governing board of the Grantee committing to provide the balance of the funds, or a combination of the above.

<u>USE OF FUNDS</u>	<u>SOURCES</u>						<u>TOTAL</u>
	State		In-Kind /Equity /Sponsor		Other sources (Please specify each source and include commitment letter or other evidence that funds have been secured)		
Tasks	Entity Name	Amount	Source Name	Amount	Entity Name	Amount	
							\$ 0.00
							\$ 0.00
							\$ 0.00
							\$ 0.00
							\$ 0.00
							\$ 0.00
							\$ 0.00
							\$ 0.00
Total:		\$ 0.00		\$ 0.00		\$ 0.00	\$ 0.00

I hereby certify that the information in this Project Information Sheet is true and correct in all material respects, and I understand that the Dormitory Authority of State of New York and other entities that may be involved in the grant process are relying on this information in the course of the reviews that are required under Federal and State law.

Signature of Authorized Officer

Date

Print Name

Title

Print Form