

Town of Kent
Town Board Meeting
March 7, 2023

Public Hearing

Building Department- Code Changes

Workshop/Meeting 7pm

1. Pledge of Allegiance
2. Roll Call
3. Discussion and/or Vote on the following:
 - a. Recreation: nets
 - b. Fireworks
 - c. Climate action planning
 - d. Proposal for a food waste composting pilot program
4. Vouchers
5. Announcement
6. Public Comment

Dear Board Members;

The last time our Chapter 27 was updated was 2/01/2009.

Since that time, the model code for NYS has made some significant changes.

As of January 18, 2022, the foregoing Model Law contains numerous revision to the prior version of the model local law. **The new revisions are in blue text to reflex the change to our Chapter 27. I recommend that we eliminate section 27-14 Septic, cesspool and well permits, and make this a reserve section for future changes.** *(Property owner pay a fee to the Putnam Co. for these services. They are inspected and signed off by Putnam Co. We collect the paperwork only for a CO.)*

The revision are intended to reflect the new version of 19 NYCRR Part 1203, which was adopted on December 14, 2021 and which will become effective on December 30, 2022. The Department of State recommends that each local government responsible for administration and enforcement of the Uniform Code and / or Energy Code review the local law(s) or ordinance(s) that establish it existing code enforcement program and make such changes to such local law(s) or ordinance(s) version of Part 1203.

One way to do so would be to repeal the local law(s) or ordinance(s) that establish the local government's existing codes enforcement program and to adopt a new local law based on the foregoing Model Local law.

Town of Kent, NY / Part II: General Legislation
Chapter 27 Building Administration and Construction

[HISTORY: Adopted by the Town Board of the Town of Kent 1-28-2008 by L.L. No. 4-2008.^m Amendments noted where applicable.]

GENERAL REFERENCES

Fees — See Ch. 36.

Flood damage prevention — See Ch. 39.

Freshwater wetlands — See Ch. 39A.

Illicit discharges to storm sewers — See Ch. 43.

Soil removal — See Ch. 63.

Steep slope protection and stormwater management — See Ch. 66.

Zoning — See Ch. 77.

[1]

Editor's Note: This local law also repealed former Ch. 27, Building Administration, adopted 12-5-1960, as amended.

§ 27-24 Complaints.

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§ 27-16 Right of entry.

§ 27-17 Certificate of occupancy required; application.

§ 27-18 Issuance of certificate of occupancy.

§ 27-19 Temporary certificate of occupancy.

§ 27-20 Revocation or suspension of certificates.

§ 27-21 Tests of materials and equipment.

§ 27-22 Notification regarding fire or explosion.

§ 27-23 Unsafe buildings and structures.

§ 27-24 Complaints.

§ 27-25 Penalties for offenses.

§ 27-26 Abatement of violations.

§ 27-27 Intermunicipal agreements.

§ 27-28 – Partial Invalidity

§ 27-29 – Effective Date

§ 27-30 Climatic and Geographic Design Criteria

§ 27-31 Condition Assessments of Parking Garages.

§ 27-1 Purpose.

This chapter, along with Chapter **29** and Chapter **38** of the Code of the Town of Kent, provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town. This chapter is adopted pursuant to § 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this chapter, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this chapter.

§ 27-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Assembly Area Shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more person for uses including, but not limited to , amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes

BUILDING Any structure having a roof supported by columns, poles or walls, used or intended to be used for the shelter or enclosure of persons, animals or property and used for residential, business or industrial purposes.

BUILDING INSPECTOR / Code enforcement officer (CEO) The Building Inspector appointed pursuant to § 27-3 of this chapter.

BUILDING PERMIT A permit issued pursuant to §§ 27-8 through 27-13, inclusive, of this chapter. The term "building permit", construction permit, demolition permit or other permit that authorizes the performance of work, also include a building permit, which is renewed, amended or extended pursuant to any provision of this chapter.

CERTIFICATE OF COMPLIANCE A type of certificate issued pursuant to §§ 27-17 through 27-20, inclusive, of this chapter, stating that work was done in compliance with approved construction documents and the Codes, generally for equipment and non-habitual used

CERTIFICATE OF OCCUPANCY A type of certificate issued pursuant to §§ 27-17 through 27-20, inclusive, of this chapter, stating that work was done in compliance with approved construction documents that have been submitted to, and approved by the Town and indicating that he building or structure, or portion thereof, is in a condition suitable for occupancy.

CHIEF FIRE INSPECTOR Chief Fire Inspector appointed pursuant to § 27-3 of this chapter.

CODE ENFORCEMENT OFFICER – Shall mean the Code Enforcement Officer / Building Inspector appointed pursuant to Chapter 27-3 of this local law

CODE ENFORCEMENT PERSONNEL The Code Enforcement Officer / Building Inspector and all inspectors.

CODES – Shall mean the Uniform code and Energy Code.

COMPLIANCE ORDER

An order issued by the Code Enforcement Officer / Building Inspector pursuant to § 27-25B of this chapter.

ENERGY CODE New York State Energy Conservation Construction Code, as currently in effect and adopted pursuant to Article 11 of the Energy law

FCNYS shall mean the 2020 Fire code of New York State as currently incorporated by reference in 19 NYCRR Part 1225

Fire Safety and Property Maintenance Inspection an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the NUCRR Part 1226 and the publication incorporated therein by reference.

Hazardous Production Materials shall mean a solid, liquid, or gas, associated with semiconductor manufacturing that has a degree of hazard rating in health, flammability, or instability of Class 3 or 4 , ranked by NFPA 704 (Standard System for Identification of Hazard Material for Emergency Responders), and which is used directly in research, laboratory, or production process which have, as their end product, Materials that are not hazardous.

INSPECTOR - Inspector appointed pursuant to § 27-3 of this chapter.

Mobile Food Preparation Vehicles Means vehicles that contain cooking equipment that produces smoke or grease laden vapors for the purpose of preparing and severing food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

Operating Permit – Shall mean a permit issued pursuant to this local law. The term "Operating Permit" shall also include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this local law.

Order of Remedy – Shall mean an order issued by the Code Enforcement Officer pursuant to 27-3 of this local law.

PERMIT HOLDER The person to whom a building permit has been issued.

PERSON An individual, corporation, limited liability company, partnership, limited partnership, business trust, estate trust, association, or any other legal or commercial entity of any kind or description.

PMCNYS – Shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226

RCNYS – Shall Mean the 2020 Residential Code of New York State as currently incorporated by reference in Part 1220

Repair – Shall mean the reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance, or to correct damage

STOP-WORK ORDER An order issued pursuant to § 27-15 of this chapter.

Sugarhouse – Shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and / or maple sugar

Temporary Certificate of Occupancy – Shall mean a certificate issued pursuant to §27-19 of this chapter.

TOWN The Town of Kent.

UNIFORM CODE The New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

§ 27-3 Building Inspector and inspectors; appointment.

A. The Building Inspector / Code Enforcement Officer (CEO) is hereby designated to administer and to enforce the Uniform Code and the Energy Code within the Town of Kent.

B. The Building Inspector shall be appointed by the Town Board. The Building Inspector shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Building Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

C. In the event that the Building Inspector is unable to serve as such for any reason, an individual shall be appointed by the Town Board to serve as Acting Building Inspector. The Acting Building Inspector shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Building Inspector by this chapter.

D. One or more inspectors, including a Chief Fire Inspector, may be appointed by the Town Board to act under the supervision and direction of the Building Inspector and to assist the Building Inspector in the exercise of the powers and fulfillment of the duties conferred upon the Building Inspector by this chapter and any other chapter of the Code of the Town of Kent.

Each inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

E. The Building Inspector must be a resident of the Town of Kent, Putnam County.

F. The compensation of such Building Inspector and inspectors shall be fixed from time to time by the Town Board.

§ 27-4 Conflicts of interest.

No Building Inspector or inspector shall engage in any activity inconsistent with his or her duties, nor shall, during the term of his or her employment, be engaged, directly or indirectly, in any building business, in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or specifications thereof within the Town of Kent, excepting only that this provision shall not prohibit the Building Inspector from such activities in connection with the construction of a building or structure owned by him or her and not constructed for sale.

§ 27-5 Building Inspector (Code Enforcement Officer)(CEO); powers and duties.

A. Except as otherwise specifically provided by law, ordinance or regulation, or except as herein otherwise provided, the Building Inspector/ Code enforcement Officer(CEO) shall administer and enforce all the provisions of laws, ordinances and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures, the installation and use of materials and equipment therein, and the location, use, occupancy and maintenance thereof. The Building Inspector shall have the following powers and duties:

- (1)** The Building Inspector shall receive, review, and approve or disapprove applications for building permits, certificates of occupancy, temporary certificates and operating permits, and the plans, specifications and construction documents submitted with such applications;
- (2)** Upon approval of such applications, issue building permits, certificates of occupancy, certificate of compliance and temporary certificates, and to include in building permits, certificates of occupancy, and temporary certificates and such terms and conditions as the Building Inspector may determine to be appropriate;

- (3)** The Building Inspector shall issue stop-work orders and all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to ensure compliance during the entire course of construction with the requirements of such laws, ordinances or regulations as may be applicable;
- (4)** The Building Inspector shall review and investigate complaints;
- (5)** The Building Inspector shall have the authority to issue orders pursuant to § 27-25 of this chapter;
- (6)** The Building Inspector shall maintain records;
- (7)** The Building Inspector shall have the authority to collect fees as set by the Town Board of this Town;
- (8)** The Building Inspector shall have the authority to pursue administrative enforcement actions and proceedings;
- (9)** In consultation with the Town's attorney, the Building Inspector shall have the authority to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this chapter, Chapter 29 and Chapter 38 of the Code of the Town of Kent;
- (10)** The Building Inspector shall make all inspections, which are necessary or proper for the carrying out of his or her duties;
- (11)** Whenever necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances or regulations covering building construction, the Building Inspector may require the performance of tests in the field by experienced professional persons or by accredited and authoritative testing laboratories or service bureaus or agencies; and

(12) The Building Inspector shall exercise all other powers and fulfill all other duties conferred upon the Building Inspector by this chapter and the Code of the Town of Kent.

§ 27-6 Records and reports.

A. The Building Inspector / CEO shall keep permanent official records of all transactions and activities conducted by the Building Inspector, including records of:

(1) All applications received, reviewed and approved or denied;
(2) All plans, specifications and construction documents approved;
(3) All permits, building permits, certificates of occupancy, temporary certificates and stop-work orders issued and all operating permits issued pursuant to Chapter **38** of the Code of the Town of Kent;

(4) All fees charged and collected;

(5) And all inspections and tests performed;

(6) All statements, reports, notices and orders issued;

(7) All complaints received;

(8) All investigations conducted; and

(9) All other features and activities specified in or contemplated by §§ **27-8**, **28-9**, **28-10**, **28-11**, **28-12**, **28-13**, **28-14**, **28-15**, **28-17**, **28-18**, **28-19**, **28-20**, **28-22**, **28-23**, and **28-24** of this chapter and Articles **V** and **VI** of Chapter **38** of the Code of the Town of Kent.

B. All such records shall be public records, open to public inspection during business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by state law and regulation.

C. The Building Inspector shall submit monthly to the Town Clerk a written report and summary of all business conducted by the Building Inspector, including permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigation pending.

D. The Building Inspector shall annually submit to the Town Board a written report and summary of all business conducted by the Building Inspector and the Inspectors, including a report and summary of all transactions and

activities described in § 27-6A of this chapter and a report and summary of all appeals or litigation pending or concluded.

- E. The Building Inspector shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.
- F. The Building Inspector shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Town in connection with administration and enforcement of the Uniform Code.

§ 27-7 Cooperation of other departments.

The Building Inspector may request and shall receive, so far as may be necessary in the discharge of his or her duties, the assistance and cooperation of the Police, Fire and Health Departments or officers and of all other municipal officials exercising any jurisdiction over the construction, use or occupancy of buildings or the installation of equipment therein.

§ 27-8 Application for building permits.

- A. Except as otherwise provided in § 27-8B of this chapter, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Building Inspector.

B. Exemptions. No building permit shall be required for work in any of the following categories:

- (1)** Construction or installation of one story detached structures associated with one-two family dwelling or multiple single family dwelling (townhouses), which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet (13.38 square meters); Example: 12 ft. x 12 ft.
- (2)** Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings(townhouses);
- (3)** Installation of swimming pools associated with a one-or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
- (4)** Installation of fences six feet and under which are not part of an enclosure surrounding a swimming pool; or within side and rear yards
- (5)** Construction of retaining walls three feet and under unless such walls support a surcharge or impound Class I, II or IIIA liquids;
- (6)** Construction of temporary motion picture, television and theater stage sets and scenery;
- (7)** Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (8)** Installation of partitions or movable cases less than five feet nine inches in height;
- (9)** Painting, wallpapering, tiling, carpeting, or other similar finish work;
- (10)** Replacement of any equipment, provided the replacement does not alter

the equipment's listing or render it inconsistent with the equipment's original specifications; or

(11) Repairs, provided that such repairs do not involve:

- (a)** The removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component;
- (b)** The removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;
- (c)** The enlargement, alteration, replacement or relocation of any building system; or (Electrical, HVAC, Plumbing, Gas, Mechanical, Chimneys and Vent)
- (d)** The removal from service of all or part of a fire-protection system for any period of time.

C. Exemption not deemed authorization to perform noncompliant work. The exemption from the requirement to obtain a building permit for work in any category set forth § 28-8B of this chapter shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

D. The application for a building permit shall be made to the Building Inspector on forms provided by or otherwise acceptable to the Building Inspector. The application shall include such information as the Building Inspector deems sufficient to permit a determination by the Building Inspector that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall contain the following information:

- (1)** A survey of the land on which the proposed work is to be done.
- (2)** The Tax Map number and the street address of the premises where the work is to be performed.

(3) A statement of the use or occupancy of all parts of the land and of the building or structure including the occupancy classification of any affected building or structure.

(4) The valuation of the proposed work.

(5) The full name and address of the owner and of the applicant, and the names and addresses of their responsible officers if any of them are corporations.

(6) A description of the proposed work.

(7) A duplicate set of plans and specifications, as set forth in Subsection D, below.

(8) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code.

(9) Such other information as may reasonably be required by the Building Inspector to establish compliance of the proposed work with the requirements of the applicable building laws, ordinances and regulations.

E. The application shall be made by the owner or lessee, or agent of either, or by the architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

F. Each application for a building permit shall be accompanied by 2 sets of plans and specifications which define the scope of the proposed work;

(ii) describe the location, nature, extent and scope of proposed work;

(iii) show that the proposed work will conform to the applicable provision of the Codes;

(iv) show the location of work construction, size, and character of all portions of means of egress;

(v) show a representation of the building thermal envelope;

- (vi) show structural information including but not limited to braced walls designs, the size, section and relative location of structural members, design loads, and other pertinent structural information;
- (vii) show the proposed structural, electrical, plumbing, mechanical, fire – protection, and other service systems of the building;
- (viii) include a written statement indicating compliance with the Energy Code
- (ix) include a site plan to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distance from lot lines, the established street grade and proposed finished grades, and as applicable, flood hazard area, floodway and design flood elevation; and
- (x) evidence that the document were prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law Article 147 and 145; indicate with sufficient clarity and detail the nature and extent of the work proposed; substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and include a plot plan, drawn to scale, showing the location and size of all proposed new construction and all existing structures on the site, the location of any existing or proposed well or septic system, the nature and character of the work to be performed and the materials to be incorporated, distance between buildings and structures and lot lines, the relationship of structures on adjoining property, widths and grades of adjoining streets, walks and alleys, and, where required by the Building Inspector, details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data.

(1) Whenever the plans accompanying an application are for a structure which, in the opinion of the Building Inspector, is of complex design, the Building Inspector shall require the applicant to file an affidavit signed by a licensed architect or engineer certifying that the plans and specifications comply with the provisions of this chapter in force on the date of the application. In such case, the Building Inspector may, in his or her discretion, employ a licensed architect or engineer to examine the plans.

The amount by which the cost of such examination, not exceeding 1/3 of 1% of the estimated construction cost, is in excess of 1/2 of the permit fee required by § 27-11A of this chapter, shall be added to such permit fee and paid by the applicant before the permit shall be issued. In the event that the

Building Inspector employs a licensed engineer or architect under the provisions of this subsection, the Building Inspector may rely upon the advice of such architect or engineer as to whether such plans and specifications comply with this chapter.

(2) Whenever the plans accompanying an application are for a structure which, in the opinion of the Building Inspector, is of complex design, the Building Inspector may, in his or her discretion, issue the permit subject to the condition that an architect and/or engineer whose qualifications are acceptable to the Building Inspector (and who may be already employed by the owner or builder) be employed by the owner or builder to supervise all work done under the permit, to see that the work conforms to the approved plans and the specifications, and, forthwith upon its completion, to make and file with the Building Inspector an affidavit or affidavits that he or she or they have complied with all inspection requirements of this chapter and that the work has been carried out according to the approved plans and specifications and in accordance with the provisions of this chapter. In such case, the Building Inspector may rely upon such affidavit or affidavits as evidence that such building conforms substantially to the approved plans and specifications and the requirements of this chapter applying to buildings of its class and kind.

(3) Plans and specifications shall bear the signature of the person responsible for the design of the drawings.

G. Plans and specifications will not be accepted as part of an application for a building permit unless they satisfy the requirements set forth in § 27-8F of this section.

H. Amendments to the application or to the plans and specifications accompanying the same may be filed at any time prior to the completion of the work, subject to the approval of the Building Inspector.

§ 27-9 Issuance of building permit.

A. The Building Inspector shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Building

Inspector shall issue a building permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code and the Code of the Town of Kent. He or she shall approve or disapprove the application within a reasonable time.

B. Upon approval of the application and upon receipt of the legal fees therefor, the Building Inspector shall issue a building permit to the applicant upon the form prescribed by the Building Inspector and shall affix his or her signature or cause his or her signature to be affixed thereto.

C. Upon approval of the application, both sets of plans and specifications shall be endorsed with the word "Approved." One set of such approved plans and specifications shall be retained in the files of the Building Inspector and the other set shall be returned to the applicant, together with the building permit, and shall be kept at the building site open to inspection by the Building Inspector or the authorized representative of the Building Inspector at all reasonable times.

D. Upon approval with modifications of the application, both sets of plans and specifications shall be endorsed with the words "Approved as Modified." One set of such approved as modified plans and specifications shall be retained in the files of the Building Inspector and the other set shall be returned to the applicant, together with the reasons for the required modifications, and shall be kept at the building site open to inspection by the Building Inspector or the authorized representative of the Building Inspector at all reasonable times.

E. If the application, together with plans, specifications and other documents filed therewith, describes proposed work which does not conform to all the requirements of the applicable building regulations, the Building Inspector shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the Building Inspector shall cause such refusal, together with the reasons therefor, to be transmitted to the applicant in writing.

§ 27-10 Performance of work under building permit.

A. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

B. A building permit shall be effective to authorize the commencing of work in accordance with the application, plans and specifications on which it is based for a period of 12 months after the date of its issuance. For good cause, the Building Inspector may allow a maximum of two extensions for a period not exceeding six months each. A building permit which has become invalid or which has expired after such extensions may be renewed upon application by the permit holder, payment of the applicable fee, and approval of the application by the Building Inspector.

C. The issuance of a building permit shall constitute authority to the applicant to proceed with the work in accordance with the approved plans and specifications and in accordance with the applicable building laws, ordinances or regulations. All work shall conform to the approved application, plans and specifications that were submitted with and accepted as part of the application for the building permit. The building permit shall contain such a directive. The permit holder shall immediately notify the Building Inspector of any change occurring during the course of the work. The building permit shall contain such a directive. If the Building Inspector determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.

§ 27-11 Building permit fees.

A. Upon the filing of an application for a building permit, fees as set forth from time to time by resolution of the Town Board and on the fee schedule^m shall be payable.

[Amended 4-20-2009 by L.L. No. 3-2009; 3-7-2017 by L.L. No. 2-2017]

[1] *Editor's Note: The fee schedule is on file in the Town offices.*

B. In the event that an applicant applies for a building permit after the commencement of work, the fee for such permit shall be double the fee set forth at § 27-11A.

C. In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of 50% of the fee paid, provided that no construction has been commenced. If construction work has been started and the application is not approved, the fees paid shall not be refunded.

§ 27-12 Construction inspections.

A. Work shall remain accessible and exposed until inspected and accepted by the Building Inspector or by an inspector authorized by the Building Inspector. The permit holder shall notify the Building Inspector when any element of work described in § 27-12B is ready for inspection.

B. The following elements of the construction process shall be inspected, where applicable:

- (1)** Work site prior to the issuance of a building permit;
- (2)** Footing and foundation;
- (3)** Preparation for concrete slab;
- (4)** Framing;
- (5)** Building systems, including underground and rough-in;
- (6)** Fire-resistant construction;
- (7)** Fire-resistant penetrations;
- (8)** Solid-fuel-burning heating appliances, chimneys, flues or gas vents;
- (9)** Inspection required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage system (blower door), mechanical equipment size, and where required minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
- (10)** installation, connection, and assembly of manufactured building and manufactured homes;
- (11)** A final inspection after all work authorized by the building permit has been completed.

C. Remote inspection. At the discretion of the Building inspector/Code Enforcement Officer or Inspector authorized to perform construction inspection, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Building Inspection/Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed

to the same level and quality as an in-person inspection and the remote inspection to the elements of construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Building Inspector/ Code Enforcement Officer or such authorize Inspector sufficient information to make a determination, an in-person inspection shall be performed.

D. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

§ 27-13 Revocation of building permit.

A. The Building Inspector may revoke a building permit theretofore issued and approved in the following instances:

(1) Where the Building Inspector finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based.

(2) Where the Building Inspector finds that the building permit was issued in error and should not have been issued in accordance with the applicable law.

(3) Where the Building Inspector finds that the work performed under the permit is not being performed in accordance with the provisions of the application, plans or specifications.

(4) Where the work for which a building permit was issued violates the Uniform Code or the Energy Code.

(5) Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the Building Inspector.

B. Such revocation shall remain in effect until such time as the permit holder demonstrates that all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code; and all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

§ 27-14 Septic, cesspool and well permits. [1] Would like to REMOVED

This type of work is over-seen by Putnam Co. BOH for work repairs permits.

Reserve this section for future codes change or updates.

The charge for septic, cesspool and well permits shall be as set from time to time by the Town Board.^[2]

[1] *Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.* [2] *Editor's Note: See Ch. 36, Fees.*

§ 27-15 Stop-work orders.

A. Whenever the Building Inspector has reasonable grounds to believe that the work on any building or structure is being performed without a building permit required by this chapter; or under a building permit that has become invalid, has expired, or has been suspended or revoked; or in violation of the provisions of the Uniform Code, the Energy Code, this chapter or other applicable laws, ordinances or regulations without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or not in conformity with the provisions of the application, plans or specifications on the basis of which a building permit was issued; or in an unsafe and dangerous manner without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work, the Building Inspector shall notify the owner of the property or the owner's agent or the person performing the work to suspend all work, and any such persons shall forthwith stop such work and suspend all building activities until the stop order has been rescinded.

B. A stop-work order shall be in writing, shall state the reasons for its issuance, and shall state the conditions under which the work may be resumed.

C. A stop-work order shall be served upon a person to whom it is directed either by delivering it personally to him or her or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by registered mail. The Building Inspector shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop-work order, personally or by registered mail/ Certified Mail provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.

D. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the stop-work order.

E. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in § 27-15A of this section, and the authority to issue a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 27-25 of this chapter or under any other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-work order.

§ 27-16 Right of entry.

Any building official, upon the showing of proper credentials and in the discharge of his or her duties, may enter upon any building, structure or premises at any reasonable hour, and no person shall interfere with or prevent such entry.

§ 27-17 Certificate of occupancy required; application.

A. No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Building Inspector.

B. No building hereafter enlarged, extended or altered or upon which work has been performed which required the issuance of a building permit shall

continue to be occupied or used for more than 30 days after the completion of the alteration or work unless a certificate of occupancy shall have been issued by the Building Inspector.

C. No structure, building or portion thereof shall be converted from one use or occupancy classification or sub-classification to another unless a certificate of occupancy authorizing such change shall have been issued by the Building Inspector.

D. The owner of a building for which a certificate of occupancy is required or his or her agent shall make application for such certificate.

§ 27-18 Issuance of certificate of occupancy.

A. The Building Inspector shall issue a certificate of occupancy if the work which was the subject of the building permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code, and the Code of the Town of Kent and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Building Inspector or an inspector authorized by the Building Inspector shall inspect the building, structure or work prior to the issuance of a certificate of occupancy. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Building Inspector, at the expense of the applicant for the certificate of occupancy, shall be provided to the Building Inspector prior to the issuance of the certificate of occupancy:

(1) A written statement of structural observations and/or a final report of special inspections, and

(2) Flood hazard certifications.

B. Contents of certificate of occupancy. A certificate of occupancy shall contain the following information:

(1) The building permit number, if any;

(2) The date of issuance of the building permit, if any;

(3) The name, address and Tax Map number of the property;

- (4)** If the certificate of occupancy is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy is issued;
- (5)** The use and occupancy classification of the structure;
- (6)** The type of construction of the structure;
- (7)** The assembly occupant load of the structure, if any;
- (8)** If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (9)** Any special conditions imposed in connection with the issuance of the building permit; and
- (10)** The signature of the Building Inspector issuing the certificate of occupancy and the date of issuance.

C. Certificates of occupancy for premises that are the subject of a conditional use of site plan approval.

(1) An inspection of the premises shall be made by the Town Planning Board Engineer to assure conformance with the conditional use or site plan. A fee as set from time to time by resolution of the Town Board^[1] shall be paid to the Planning Board by the applicant for each inspection by the Town Planning Board Engineer.^[2]

[1] *Editor's Note: See Ch. 36, Fees.*

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

(2) An as-built survey plan shall be filed with and approved by the Planning Board before any certificate of occupancy may be issued for any conditional use or site plan.

D. A charge as set from time to time by resolution of the Town Board^[3] shall be made for the issuance of a certificate of occupancy.^[4]

[3] *Editor's Note: See Ch. 36, Fees.*

[4] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 27-19 Temporary certificate of occupancy.

The Building Inspector shall be permitted to issue a temporary certificate of occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a building permit or work required by a steep slopes or erosion control permit, after review and approval has been given by the Town Board.

However, in no event shall the Building Inspector issue a temporary certificate unless the Building Inspector determines that the building or structure, or the portion thereof covered by the temporary certificate, may be occupied safely; that any fire- and smoke-detecting or fire-protection equipment which has been installed is operational; and that all required means of egress from the building or structure have been provided.

The Building Inspector may include in a temporary certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code.

A temporary certificate shall be effective for a period of time, not to exceed six months, which shall be determined by the Building Inspector and specified in the temporary certificate. During the specified period of effectiveness of the temporary certificate, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

§ 27-20 Revocation or suspension of certificates.

If the Building Inspector determines that a certificate of occupancy or a temporary certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Building Inspector within such period of time as shall be specified by the Building Inspector, the Building Inspector shall revoke or suspend such certificate.

§ 27-21 Tests of materials and equipment.

Whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform to the requirements of the applicable building laws, ordinances or regulations, the Building Inspector may require the same to be subjected to tests in order to furnish proof of such compliance.

§ 27-22 Notification regarding fire or explosion.

The chief of any fire department providing fire-fighting services for a property within this Town shall promptly notify the Building Inspector of any fire or explosion involving any structural damage, fuel-burning appliance, chimney or gas vent.

§ 27-23 Unsafe buildings and structures.

Unsafe structures and equipment in this Town shall be identified and addressed in accordance with the procedures established by Chapter **29** of the Code of the Town of Kent, as now in effect or as hereafter amended from time to time.

§ 27-24 Complaints.

The Building Inspector shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this chapter, or any other law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Building Inspector may deem to be appropriate:

- A.** Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- B.** If a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of

the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 27-25 or 27-26 of this chapter;

C. If appropriate, issuing a stop-work order;

D. If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

§ 27-25 Penalties for offenses.

A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use or occupy or maintain any building or structure or portion thereof in violation of any provisions of this chapter, or to fail in any manner to comply with a notice, directive or order of the Building Inspector, or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy. Violations of this chapter shall be punishable by a maximum fine of \$500. Each day that a violation continues shall be deemed a separate offense.

B. Compliance orders.

(1) The Building Inspector is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a compliance order. The compliance order shall:

(a) Be in writing;

(b) Be dated and signed by the Building Inspector;

(c) Specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter;

(d) Specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity;

(e) Specify the period of time which the Building Inspector deems to be reasonably necessary for achieving compliance;

(f) Direct that compliance be achieved within the specified period of time; and
(g) State that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.

(2) The Building Inspector shall cause the compliance order, or a copy thereof to be served on the owner of the affected property personally or by registered or certified mail. The Building Inspector shall be permitted, but not required, to cause the compliance order, or a copy thereof; to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by certified mail, return receipt requested; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

C. Any person who shall fail to comply with a written order of the Building Inspector within the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, or any other person taking part or assisting in the construction or use of any building, who shall knowingly violate any of the applicable provisions of this chapter or any lawful order, notice, directive, permit or certificate of the Building Inspector made thereunder, shall be punishable by a fine of not more than \$500 or 15 days in jail, or both. Each day that an offense continues shall be deemed to constitute a separate offense.

D. Except as provided otherwise by law, an offense under Subsection **A** or **C** of this section shall not be a crime, and the penalty or punishment imposed therefor shall not be deemed for any purpose a penal or criminal penalty or punishment and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, of any person convicted thereof.

E. The Building Inspector and any inspectors as may be appointed by the Town Board shall have the authority to issue appearance tickets, under Article 150 of the Criminal Procedure Law of this state, for purposes of enforcement of the Uniform Code, the Energy Code and this chapter.

F. In addition to those penalties prescribed by the state law, any person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any building permit, certificate of occupancy, stop-work order, or other notice or order issued by the Building Inspector pursuant to any provision of this chapter, shall be liable for a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this Town.

G. No remedy or penalty specified in this chapter shall be the exclusive remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section or in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution or limitation of, the penalties specified in Subdivision (2) of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of § 382 of the Executive Law.

§ 27-26 Abatement of violations.

An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of any building permit, certificate of occupancy, temporary certificate, stop-work order, operating permit, compliance order, or other notice or order issued by the Building Inspector pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this chapter, or any

stop-work order, compliance order or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the Town Board.

§ 27-27 Intermunicipal agreements.

The Town Board may, by resolution, authorize the Supervisor of this Town to enter into an agreement, in the name of the Town, with other governments to carry out the terms of this chapter, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

§ 27-28 – Partial Invalidity –

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

§ 27-29 – 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.

§ 27-30 Climatic and Geographic Design Criteria

(a) The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within the Town Of Kent as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code.

The criteria to be so determined shall include but shall not necessarily be limited to, the following:

(1) design criteria to include ground snow load; wind design loads; seismic

category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;

- (2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and
- (3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:
 - (i) the accompanying Flood Insurance Rate Map (FIRM);
 - (ii) Flood Boundary and Floodway Map (FBFM); and
 - (iii) related supporting data along with any revisions thereto.

(b) The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

Climate Zone	Ground Snow load	Special Wind Region	Topo Effects	Wind Borne Zone	Seismic Design	Weathering	Frost line	Termite	Winter Design Temp	Ice Shield	Flood Hazard	Air Freezing	Mean Annual Temp
5	30 PSF	Yes 115-120 MPH	NO	1	C	Severe	42	Mod - Heavy	6 DEG	Yes	6/1/09	1500 or less	51.6

§ 27-31 Condition Assessments of Parking Garages.

- (a) Definitions. For the purposes of this section:
 - (1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;
 - (2) the term “deterioration” means the weakening, disintegration,

corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;

- (3) the term "parking garage" means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding: (i) buildings in which the only level used for parking or storage of motor vehicles is on grade; (ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and (iii) a townhouse unit with attached parking exclusively for such unit;
- (4) the term "professional engineer" means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;
- (5) the term "responsible professional engineer" means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term "responsible professional engineer" shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.
- (6) the term "unsafe condition" includes the conditions identified as "unsafe" in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and
- (7) the term "unsafe structure" means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

- (b) **Condition Assessments** – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this section, periodic condition assessments as described in subdivision (d)

of this section, and such additional condition assessments as may be required under subdivision (e) of this section.

Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Town of Kent, in accordance with the requirements of subdivision (f) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

- (c) **Initial Condition Assessment.** Each parking garage shall undergo an initial condition assessment as follows:
- (1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.
 - (2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:
 - (i) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;
 - (ii) (ii) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and
 - (iii) (iii) if originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.
 - (3) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to [specify date not more than six (6) months after the effective date of this local law].
- (d) **Periodic Condition Assessments.** Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed [specify interval not to exceed three (3) years].

(e) Additional Condition Assessments.

- (1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.
- (2) If the Town of Kent becomes aware of any new or increased deterioration which, in the judgment of the Town of Kent, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Town of Kent to be appropriate.

(f) Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Town of Kent within 30 Days as fixed by the Town of Kent. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

- (1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;

- (2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
- (3) an evaluation and description of the unsafe conditions;

- (4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;
- (5) including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
- (6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
- (7) the responsible professional engineer's recommendation regarding preventative maintenance;
- (8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report;
- (9) and the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.

(g) Review Condition Assessment Reports. The Town of Kent shall take such enforcement action or actions in response to the information in such condition assessment report as may be

necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the [City / Town / Village] shall, by Order to Remedy or such other means of enforcement as the Town of Kent may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Town of Kent to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

- (h) The Town of Kent shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Town of Kent with a written statement attesting to the fact that he or she has been so engaged, the Town of Kent shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Town of Kent shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.
- (i) This section shall not limit or impair the right or the obligation of the Town of Kent (1) to perform such construction inspections as are required by 27-12 (Construction Inspections) of this local law; (2) to perform such periodic fire safety and property maintenance inspections as are required by section 38 of the Town code (Fire Safety and Property Maintenance Inspections) ; and/or (3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Town of Kent by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

Jaime McGlasson

From: Recreation
Sent: Wednesday, March 1, 2023 11:16 AM
To: Jaime McGlasson
Cc: Samantha Morley
Subject: Adjustable nets for Ryan's

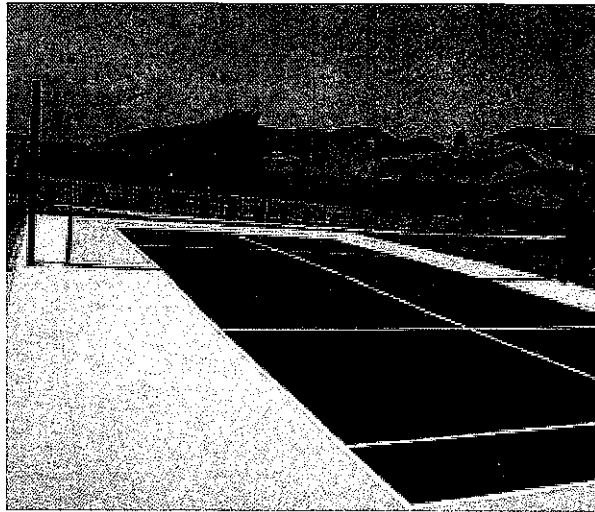
Hello,

Here is what we found for the potential adjustable nets for the tennis area at Ryan's. Resurfacing the ground would also be necessary and I believe Chris is looking into pricing for that. With this net, I believe we could potentially start a pickle ball league which is something I have been approached about a few times since I started working here. The volleyball net would be another space for the younger kids to practice (especially being able to lower the net to a better height). No volleyball games to be played in this area as the blacktop wouldn't be safe. A new Tennis net would hopefully draw more than the few that currently use it. I added the links to each if you wanted to read the full description of each. I think I may like the 2nd one better for pricing; #2 or #3 have free shipping where as #1 we would have to pay another \$999.99 in freight costs.

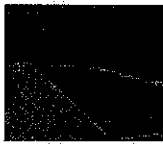
1. <https://www.tenniscourtsupply.com/35-square-steel-adjustable-net-system.html>

TENNIS COURT SUPPLIES ▾ PICKLEBALL COURT SUPPLIES ▾ TENNIS COURT SURFACES

Home | Pickleball Court Supplies | Pickleball Net Posts & Replacement Parts | Douglas | 3.5" Square Steel



3.5" Square Steel Adjustable Net System



3.5" Square Steel System

Write a Review

Your Price: \$1,605.

Retail Price: \$1,299.00

Your Savings: \$104.00 (8%)

Part Number: 68125S

Availability: Up to an 8 week

CHOOSE OPTIONS

Select Ground Sleeve Option

42" long Square Steel Ground Sleeve

Select Unicourt Net Option

Unicourt Net for 42' Post System

Share | ADD TO WISH LIST

EMAIL A FRIEND

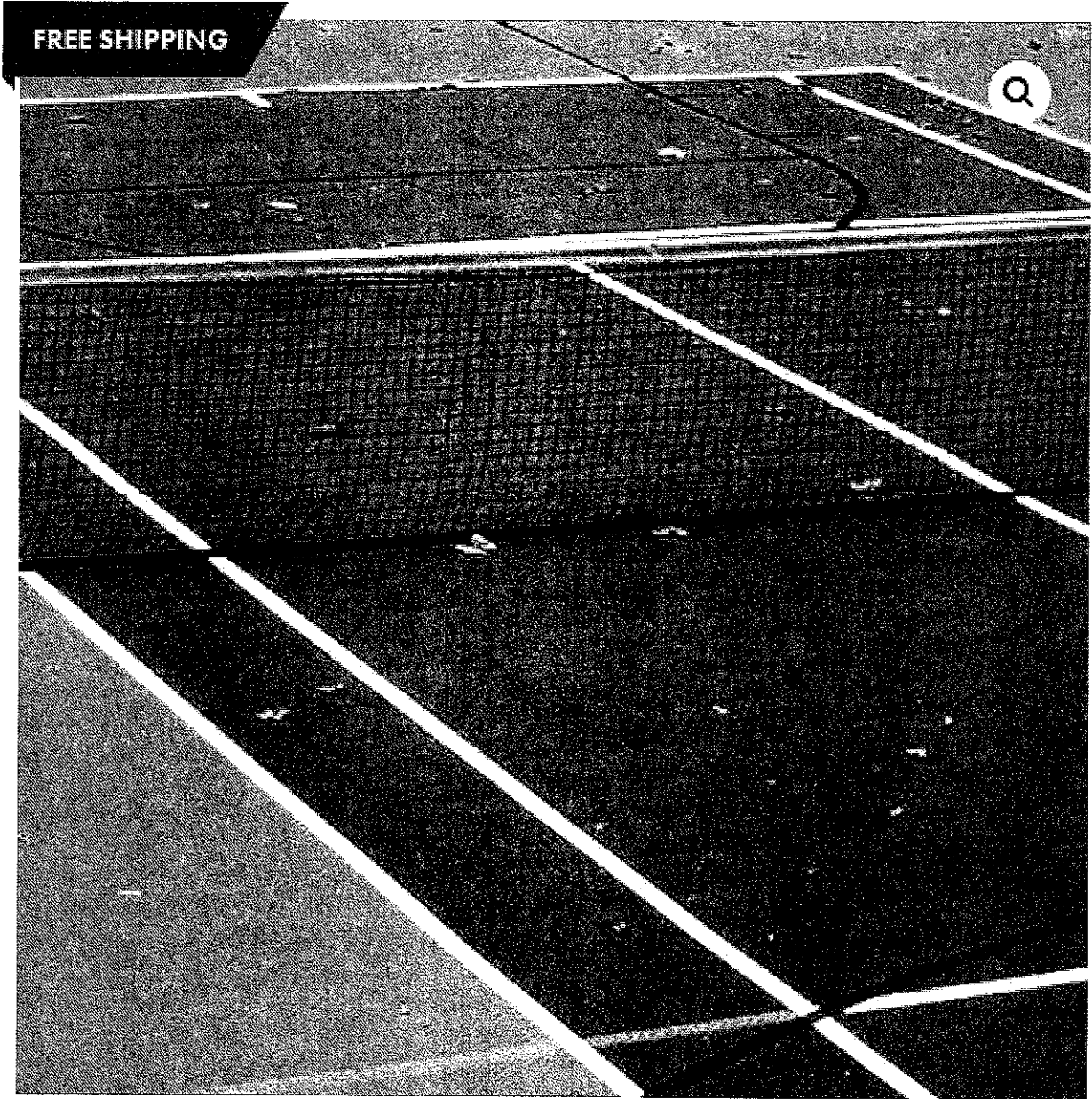
Quantity

1

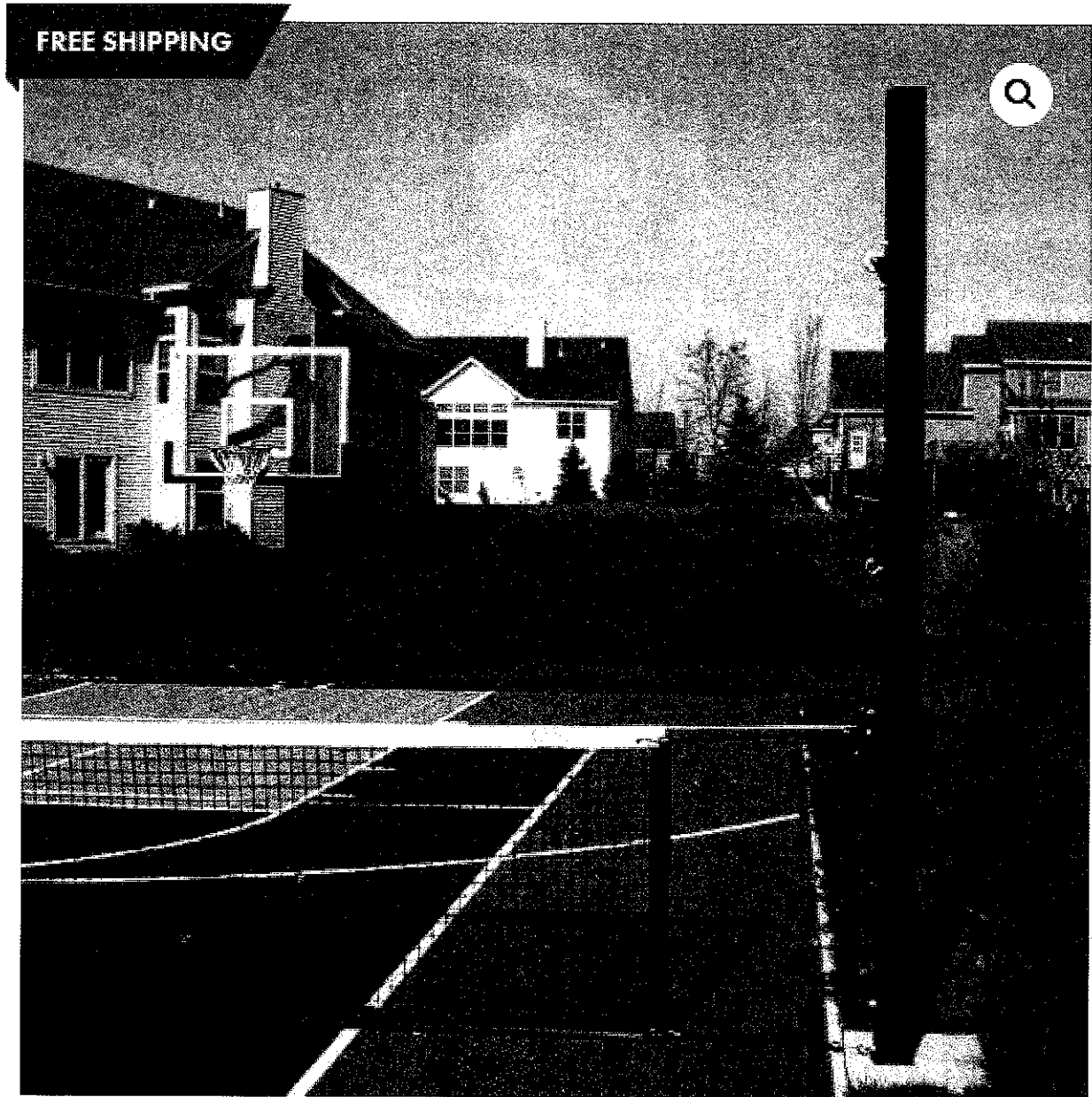
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2. <https://nationalsportsproducts.com/product/steel-adjustable-net-system>



3. <https://nationalsportsproducts.com/product/aluminum-adjustable-net-system>



Let us know if you have any questions.

Thank you!

Karen Schuman

Senior Recreation Assistant

Town of Kent

Recreation & Parks

25 Sybil's Crossing

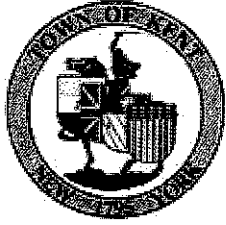
Kent Lakes, NY 10512

P: 845-531-2100

F: 845-306-5284

recreation@townofkentny.gov

www.townofkentny.gov





JULY 4 EVER FIREWORKS INC & ROCCO POLIFRONE

THIS CONTRACT AND AGREEMENT for the display of Fireworks made and concluded this 23rd day of February, 2023 by and between **JULY 4 EVER FIREWORKS INC & ROCCO POLIFRONE**, of Walden, NY (hereinafter referred to as "July 4 Ever & Rocco Polifrone"),

AND

Town of Kent

(hereinafter referred to as "Client")

WITNESSETH: For and in consideration of the sum of One Dollar, each to the other in hand paid, receipt of which is hereby acknowledged, and of the terms and conditions hereinafter mentioned, July 4 Ever & Rocco Polifrone and Client do mutually and severally agree to perform their several and respective covenants and to comply with all terms, conditions and payments of this contract:

July 4 Ever & Rocco Polifrone agrees:

1. To furnish and deliver to Client, Fireworks to be exhibited on the following dates set forth and agreed upon at the time of signing this contract and Client agrees to pay July 4 Ever & Rocco Polifrone for the Fireworks as follows:

Display Date: July 1st, 2023

Postponement Date: July 2nd, 2023

Contract amount: \$ 10,000.00 ; 10% due upon signing the Contract and balance due at Noon three days prior to the scheduled display date; all payments shall be made by Draft, Certified Check or Wire Transfer. Checks shall be made payable to July 4 Ever, unless otherwise authorized in writing; NO CASH shall be paid to any agent or employee of July 4 Ever & Rocco Polifrone without written authority.

2. JULY 4 EVER & ROCCO POLIFRONE further agrees to furnish, sufficient trained personnel to present a display.

CLIENT further agrees:

3. To procure and furnish a suitable place to display the said Fireworks; to furnish the necessary police and fire protection; to secure all, Police, Local, and State Permits, and to arrange for any security bonds or insurance as required by law in their community

Price does not include any permit fees

Town of Kent @ Lake Carmel

The PARTIES mutually agree:

4. It is agreed and understood by the parties hereto that in the event Fireworks have been taken out and set up before inclement weather and with adequate weather prevailing, such exhibition of fireworks will be carried out in the best possible manner without any deductions from the before named compensations. Should inclement weather prevent firing of said display on the aforementioned Display Date, then it will be understood that program is postponed and will be fired on the aforementioned Postponement Date, and there will be a charge to cover the cost of Postponement of 15%. If there is no alternate date and the program is not fired on the aforementioned Display Date, then it will be understood the program is canceled and there will be a charge to cover the costs of cancellation of 50%.
5. July 4 Ever & Rocco Polifrone reserves the exclusive right to make modifications and substitutions provided that such changes are reasonable and necessary and do not adversely affect price, time of delivery, functional character or display performance. July 4 Ever & Rocco Polifrone reserves the right to use multiple subcontractors in the setup and licensing of the display
6. If the location of the firing site, spectator's location, parking areas of structures is deemed unsuitable or unsafe, in the discretion of July 4 Ever & Rocco Polifrone or its agents or personnel, July 4 Ever & Rocco Polifrone may refuse to fire the display until conditions are corrected. If such conditions are not corrected, July 4 Ever & Rocco Polifrone may cancel the display without further liability to the Client for such cancellation.



7. This contract shall be deemed made in the State of New York and shall be constructed in accordance with the laws of New York. The parties agree and consent to the jurisdiction of New York to determine conflicts regarding the language and payments to be made under this Contract.
8. If Client becomes bankrupt or insolvent, or if a petition in bankruptcy is filed by or against the Client or if a receiver is appointed for the Client, July 4 Ever & Rocco Polifrone may refuse to make further delivery and may terminate this contract without prejudice to the rights of July 4 Ever & Rocco Polifrone . If the Client's financial conditions become unsatisfactory to July 4 Ever & Rocco Polifrone , July 4 Ever & Rocco Polifrone , may require the balance of the purchase price to be deposited in escrow or the Client to provide sufficient proof of its ability to pay the balance of the contract price. Client is not entitled to recover incidental or consequential damages in connection with any breach of this Contract.
9. If Client fails to pay the monies due under this contract, July 4 Ever & Rocco Polifrone is entitled to recover the balance due plus interest at 1-1/2% per month on amounts past due 60 days or more. Further, on balance outstanding of 120 days or more, July 4 Ever & Rocco Polifrone is entitled to recover the balance due, plus accrued interest, plus attorneys fees of 10% of the amount past due, plus court costs.
10. This Contract shall not be construed to create a partnership between the parties or persons mentioned herein.
11. In the event of fire, accident, strikes, delay, flood, act of God or other causes beyond the control of July 4 Ever & Rocco Polifrone , which prevent delivery of said materials, the parties hereto release each other from any and all performance of the covenants herein contained and from damages resulting from the breach thereof.
12. Client agrees to hold harmless July 4 Ever & Rocco Polifrone for any and all actions, claims, and legal fees incurred outside the operations or control of July 4 Ever & Rocco Polifrone . July 4 Ever & Rocco Polifrone agrees to hold harmless client for any and all actions, claims, and legal fees incurred outside the operations of the client.
13. _____

IN WITNESS WHEREOF, we set our hands and seals to the agreement in duplicate the day and year first above-written.

For CLIENT:

For: JULY 4 EVER FIREWORKS INC & ROCCO POLIFRONE

Dated: _____

Dated: _____

Please sign contract where indicated for Client and return all copies for final acceptance to:

**July 4 Ever &
Rocco Polifrone
382 Rock Cut Road
Walden, NY 12586
845/564-0184 FAX 845/566-3715**

July 4 Ever & Rocco
Polifrone
382 Rock Cut Rd, Walden, NY 12586
Tel: 845-564-0184 Fax: 845-566-3715

Communication Sheet

PLEASE COMPLETE THIS FORM AND RETURN IT WITH YOUR SIGNED CONTRACT

CUSTOMER INFORMATION

NAME: _____

ADDRESS: _____

FIRING SITE INFORMATION

LOCATION: _____

ADDRESS: _____

CONTACT: _____
(ONE)

PHONE: _____

CONTACT PERSON

NAME: _____

ADDRESS: _____

PHONE: _____

FAX: _____

CELL: _____

E-MAIL: _____

SHOW INFORMATION

DATE: _____

RAIN DATE: _____

TIME: _____

STORAGE SITE INFO

LOCATION: _____

ADDRESS: _____

SECURITY YES OR NO (CIRCLE
ONE)

ALTERNATE CONTACT

NAME: _____

ADDRESS: _____

PHONE: _____

FAX: _____

CELL: _____

E-MAIL: _____

JULY 4 EVER FIREWORKS INC., & ROCCO POLIFRONE

WALDEN, NY 12586
PHONE (845) 564-0184
FAX (845) 566-3715
E-mail: sales@july4ever.net

NO LIMITS



February 23rd, 2023
Jaime McGlasson
jmcglass@townofkentny.gov
1-845-225-3943

Dear Jaime,

Thank you for giving us the opportunity to quote you a price on an exclusive Fireworks Display.

We are confident that the combination of quality, service, and price that we offer is unmatched anywhere. After you've finished your own research, we think you'll agree.

Enclosed is a copy of our proposal, product information, and a company letter. Should you accept our proposal, please sign the contract and send us via facsimile a copy so we may hold the date then you may forward the original by mail. We look forward to serving you.

If, at any time, you have a question, please call me at (845) 564-0184 Thank you once again for inquiring about a Display for your special occasion.

Sincerely,

Anthony Esposito

Anthony Esposito



Proposal for Town of Kent, NY - February 24, 2023

Location: Edward Ryan Memorial Park, 43 Park Road Kent, NY 10512

Service Fee:

\$275 / month, 10, 64-gallon carts for once per week service.

Benefits:

Stop food scraps from being burned in an incinerator or landfilled.
Improve local soil and make renewable electricity.
No startup fees or cancellation fees.
No cart delivery fees or cart removal fees. Low risk project.
7 years experience hauling food scraps. 1000 tons per year composted.
Curbside Compost provides the carts.
Client food scraps processed at permitted facilities.
Environmental Reporting.
Technical Assistance.

Processing Facilities that we use:

New Milford Farms, New Milford - Indoor Turned Windrow Composter
Quantum BioPower, Southington - Anaerobic Digester

Acceptable List

BPI Certified Compostable Bags
Food scraps can be raw or expired.
Fruits, Vegetables, Produce, Deli Products, Breads, Grains
Meats, Bones, Fish, Seafood, Shellfish, Eggs, Egg Shells, Dairy
Coffee Grounds, Coffee Filters, Tea Bags, Cut Flowers, Pet Food
Food Soiled Brown Paper Napkins

NYS Department of Environmental Conservation (DEC) – Municipal Food Scraps Recycling Initiatives Grants Program FY21

Deadline: The following is a breakdown of important dates related to this program

- May 11, 2022 at 1:00 PM Webinar
- May 2, 2024 Questions Deadline
- May 24, 2024 at 3:00 PM Application Deadline

Amount: The following is a breakdown of information related to program funding

- \$2,000,000 total funding
- \$200,000 maximum award
- \$1,000 minimum award
- 25% match required (cash or in-kind)
- 36-month project period

Eligible Applicants: The following entities are eligible to apply for funding through this program

- Municipalities
- Counties
- Tribal Governments
- Local Public Authorities
- Local Public Benefit Corporations
- School Districts
- Supervisory Districts
- Improvement Districts

Please note: This year's opportunity will prioritize the first half of available funds for eligible projects serving Environmental Justice and Disadvantaged communities. Environmental Justice and Permitting can be identified in one of the following ways: (1) Refer to DEC's ArcGIS Webmap of the Potential EJ Areas: https://www.arcgis.com/home/webmap/viewer.html?url=https://services6.arcgis.com/DZHaqZm9cxOD4CWM/ArcGIS/rest/services/Potential_Environmental_Justice_Area_PEJA_Communities/FeatureServer&source=sd ; and, (2) Refer to NYSERDA's Interim Approach (Webmap) for identifying disadvantaged communities pursuant to the Climate Leadership and Community Protection Act: <https://www.nyserdera.ny.gov/ny/disadvantaged-communities>.

Overview: Through the Municipal Food Scraps Recycling Initiatives Grants Program FY21, the NYSDEC supports projects directly related to the increase of food scraps recycling. Engineering costs are limited to 15% of the total project cost. The following types of projects are included in this opportunity:

- Increased Residential Food Scraps Recycling Programs. Projects or programs that increase the recycling of residential food scraps are eligible for funding under this opportunity.

These include costs related to residential food scraps drop-off sites (new or improvements to existing sites), home composting education, composting demonstration sites and/or residential food scraps collection and recycling pilot programs up to one year in duration (this time may include multiple seasons over the duration of the contract term). Eligible expenses include:

- Staff costs (including educators, operators, and drivers);
 - Travel;
 - Equipment and vehicles; and
 - Supplies and outreach materials (including bins or residential kitchen caddies distributed to residents for free or sold to residents by the municipality for equal or less than the purchase price).
- New Or Expanded Food Scraps Recycling Programs And/or Facilities. Projects or programs that develop new or expand existing food scraps recycling programs and facilities are eligible for funding under this opportunity. Eligible expenses include:
 - Expansion of yard waste composting facilities to accept food scraps;
 - Equipment and construction costs for new or existing food scraps recycling facilities;
 - Costs related to equipment demonstrations or pilot projects up to 1 year in duration (this time may include multiple seasons over the duration of the contract term);
 - Staff costs (including program staff, marketing staff, operators, and drivers);
 - Outreach and technical assistance staff for the purposes of increasing recycling at food scraps generators/businesses;
 - Vehicles or new hauling contracts up to one year in duration. Project period may include multiple seasons over the duration of the contract term; and
 - Costs related to the incorporation of food scraps at an anaerobic digestion facility (note: the proportion of the resulting digester solids must be recycled).

Past Recipients: The following entities have previously received funding through this program

- (2021) City of Albany (Albany, NY): Address food waste prevention/reduction via outreach and education efforts including: distributing fliers at libraries, parks, and farmers markets; tabling at city events; outreach via social media and website resources; and scheduling presentations by partner organizations to local groups & residents (\$225,535)
- (2021) Town of Ossining (Ossining, NY): Establish a pilot curbside food scraps recycling program in the Town of Ossining through a partnership with Teatown Lake Reservation, a local environmental organization. Through this partnership, Teatown will assist the Town with education and outreach regarding the food scraps recycling pilot program. The Town will establish an organics collection location in a local park and transport the collected food scraps to a nearby commercial compost facility (\$99,145)
- (2021) City of Rochester (Rochester, NY): Conduct a feasibility study for a city-led organics recycling program. The City will partner with Flower City Pickers, a food rescue organization, to develop and implement a public education program to increase awareness about food waste prevention/reduction as well as food donation/rescue (\$104,400)

Website:

https://grantsgateway.ny.gov/intelligrants_NYSGG/module/nysgg/goportal.aspx?NavItem1=4&ngoID=5002044

FAQ

1. Are there any mandatory first-steps before the submission deadline?
 - a. Not stated.
2. Is there a mandatory Technical Assistance Session or Workshop?
 - a. Webinar May 11, 2022 at 1:00 PM.
 - i. Meeting Number: 161 506 9479
 - ii. Meeting password: mN66pJ5hpNS
 - iii. Join from the meeting link:
<https://meetny.webex.com/meetny/j.php?MTID=m90870d0faf65a516a3c9da1006755c5b>
3. What partnerships are required? How must the partnership be demonstrated?
 - a. Not stated.
4. How do you submit the application?
 - a. Grants Gateway.
5. How are funds distributed?
 - a. Not stated.
6. Is there a financial match requirement?
 - a. 25% match required (cash or in-kind).
7. When was the application open/announced?
 - a. May 2, 2022.
8. Is the applicant able to submit more than one grant application for consideration?
 - a. Applicants may submit only one application. The application can contain multiple items.
9. Is there a clear contact email or phone number for the program?
 - a. Sally Rowland
Organics Reduction and Recycling Section Grants Program
(518) 402-8706
OrganicsGrants@dec.ny.gov
10. General notes:
 - a. Include “Municipal Food Scraps Recycling Initiatives Grants” in the subject line of the program contact emails. Questions regarding this grant opportunity will be accepted on an ongoing basis and answered weekly until the final application deadline. All questions, and answers, will be uploaded in the Grants Gateway application for all applicants to view.

Not Acceptable

Fossil Fuel Plastic, trash bags
Rubber Bands, Twist Ties, Food Tags
Paper Plates, Paper Products, Magazines, K Cups
Pet Food, Plastics, Styrofoam, Packaging Material
Foil, Glass, Metal, Cardboard, Waxed Cardboard

Compost, Garden Soil, Mulch - Delivery

If you would like to purchase compost, garden soil or mulch, we deliver by the bag or yard.
Contact us or order from www.curbcompost.org.

Where do we leave the carts? Animals?

Our carts are left outside by your traditional waste container or on a loading dock, wherever you wish, and we service them there. We load from the rear of the truck. You can use bungee cords on the carts or a shed if you are concerned about animals.

Cleanliness

Please use BPI certified compostable bags (Biobag USA, Naturbag, UNNI) for your food scraps to keep the carts neat. We sell cases (120 Count) of the 39 gallon BioBag for \$102 per case.

Contamination

Food scraps are expected to be clean of contaminants.

Cancellation Policy

There is no commitment to use Curbside Compost. If you would like to cancel the service at any time, please contact me and we will remove the carts.

Nick Skeadas
nick@curbcompost.org
Curbside Compost
203-493-4062

To: Anne Campbell, Kent Town Board
Fr: Kathy Kahng
Re: Food scrap recycling pilot program

2/27/23

Here is a brief overview and next steps for a Food Scrap Recycling Pilot Program for Kent.

In the United States, food waste is estimated to be about 30% of overall municipal solid waste. When landfilled, food waste and organics (leaves, yard waste) produce greenhouse gases that badly contribute to climate change. Composting food scraps will return organics to the soil, growing more food and completing the cycle. Composting food scraps removes more than 50% of carbon dioxide and methane greenhouse gas emissions.

If food scrap recycling becomes widely used in Kent, perhaps our cost for landfill should decrease substantially in the Lake Carmel Park District in the future. We will certainly reduce greenhouse gas emissions caused by food waste that is now going to a landfill or an incinerator.

The Kent Climate Smart committee has been working with Sustainable Putnam to research food scrap recycling programs in Philipstown and Scarsdale. We took a field trip to Scarsdale on November 3, 2022 to meet with Michelle Sterling and Ron Schulhof, volunteers who organized and instituted the Scarsdale food scrap program back in 2016. Karen Ertl, a volunteer on the Food Scrap Recycling committee in Philipstown food scrap pilot program was on hand and has been very helpful in guiding us in the process of introducing a food scrap pilot program in Kent.

Both have stressed how important education has been to the success of their programs. They strive to have tables at every public event in their town and have trained volunteers who explain the program, go through what can and can't be composted and sell the very inexpensive start kits. This program has built a sense of community and expanded its group of volunteers.

Although many people in Kent have the space and incentive to compost their food scraps in their own yard, it is not possible to compost meat, poultry, bones, seafood, shells, dairy products, leftover, spoiled or expired foods in your yard. Certainly, many Kent residents do not have the outdoor space or capability to maintain their own compost pile.

SCARSDALE:

Michelle Sterling and Ron Schulhof are active residents in Scarsdale and involved with the Village's Conservation Advisory Council. They began a food scraps collection program in four of Scarsdale's public schools in 2012.

Scarsdale launched a village-wide food scrap recycling pilot program in 2016. This program is managed by the Village Department of Public Works. They provide garbage

and recycling pickup to all their residents. In the first six months of their pilot, they registered 750 households and collected 67,000 pounds of food scrap waste.

The Village has a large Public Works facility that also houses their recycling center. This is the location for the food scrap drop off collection. The facility is manned and open Monday through Saturday, 8am to 3pm.

Residents purchase a two-gallon countertop pail, a six-gallon toter bin and a roll of certified recyclable compost bags for \$20.

Scarsdale started their pilot for \$2,000 which covered the cost of signage and the drop-off containers. In addition, they purchased 200 starter kits for \$4,000, which is reimbursed to the Village when participants sign up and purchase their starter kit.

The Village authorized an annual budget of \$5,000 shortly after the pilot program began in 2016. That budget is used for the private hauling company that picks up the compost weekly.

The pilot program was so successful that they introduced curbside composting to their residents in 2018. Currently, about one third of their total households participate in either the curbside or drop off food scrap waste program. They have 5,500 total households and about 1,815 current participants in this voluntary program.

They again stressed the importance of continual outreach and education. They recommend a \$1,000 annual budget to cover the cost for cases of certified compostable bag liners for the six-gallon toter bin (reimbursed by participant), an annual compost give back day and promotion.

PHILIPSTOWN:

The Town of Philipstown embarked on a Food Scrap Recycling Pilot program May 16, 2023 with zero participants. By December 31, they had 164 families participating. They have a manned Town recycling center that is open on Saturday from 9am to 3pm. The food scrap collection is maintained at that site.

The majority of residents contract privately for garbage and recycling pickup. Food scrap recycling is not part of their current contracts. Cold Spring and Nelsonville provide residents garbage and recycling pickup, but not food scraps. Continental Village and Garrison residents contract for their own garbage and recycling pickup.

Like Scarsdale, Philipstown residents are asked to register for this program and the Town offers a starter collection kit for \$20. Each kit contains a 3-gallon tabletop food scrap bin and 6-gallon larger lidded food scrap transport bin, with a supply of 25 certified compostable bags. That is the only cost to the resident. If a resident wishes to use their own bins, they are free to do so. Bags must be certified compostable. The Town sells the appropriate bags. Brown paper bags without handles are also acceptable. The Town sells replacement certified compostable bags.

Residents take their kitchen scraps and put them in the tabletop bin. During the week, as the small tabletop bin is filled, the waste is stored in the larger transport bin and can

bring the container with the compostable bag to the recycling center weekly. The Town keeps 10 lidded 64-gallon drop-off containers for residential drop-off at the Town recycling center. The food scrap waste is picked up weekly by Curbside Compost, a Connecticut-based licensed compost hauler and processor. They paid \$460 per month for hauling in 2022.

Original startup costs for this program were offset by a NYSERDA grant that was awarded to the Town Climate Smart Task Force. This grant was used to cover one-time purchases such as the 64-gallon rolling lidded drop-off containers and signage at the recycling center.

The pilot program has been converted to a permanent program in December 2022. As of January 2023, the pilot program has become a permanent program and the Town hopes to hold a compost give back day in the spring. The Town has budgeted for a single drop off site, weekly food scrap pickup from the recycling center and commercial composting of the Town's food scrap waste.

The Town is currently collecting between 400 and 600 pounds of food scrap waste weekly.

SMART COMPOST NYC:

In late 2021, my company CityRax, Inc. won a contract with City of New York Department of Sanitation (DSNY) to create a first of its kind smart compost pilot program.

DSNY requested a simple, convenient and easily maintainable curbside composting solution using a secured and unmanned system that would make food scrap composting more accessible in high resident density neighborhoods while ensuring prevention of compost contamination. Astoria was chosen by DSNY for the pilot program.

CityRax developed, sourced and implemented a solar-powered smart bin accessible 24/7 via an RFID key card. Features including in-unit data collection (usage timing, frequency, volume, etc.) real-time fill/capacity level reporting and the ability to auto-lock when full helped distinguish our solution.

While developing the program, CityRax worked directly with DSNY Operations to survey the Astoria neighborhood and select bin locations that were both the most convenient for residents and operationally ideal for daily compost collection and program maintenance.

The SmartCompost.NYC website was created to allow residents to sign-up for the pilot program by allowing the user to opt-in, rather than pursuing blind mass distribution. CityRax was able to specifically target users with a predisposition to compost, maximizing usage from launch and minimizing wasted resources and compost contamination. The website also provides the user with critical information such as bin locations, live capacity levels and education on what to compost. Following user sign up an RFID key card is mailed directly to the user allowing access to the curbside bins, while providing DSNY with basic usage demographics and culpability for bin misuse.

Whether accessed on a mobile device or computer, sign up is a very quick and easy process, minimizing usage friction and barriers to entry.

In order to ensure program success, CityRax identified reliable smart bin installation, maintenance, repair and emergency services as essential facets of operations. By leveraging a network garnered from decades of previous projects, CityRax established protocol for weekly interior pressure washing, exterior cleaning, repairs and maintenance. Dedicated personnel handled any emergency conditions, with a fleet of specialty vehicles and equipment sourced to tackle any further needs.

Additionally, CityRax designed the program's marketing collateral, creating a distinct brand identity, while still adhering to existing DSNY brand guidelines. Designs include the smart bin wrap graphics, RFID card, website, mobile app, direct mail and email collateral. CityRax also created a marketing calendar ensuring all creative assets including direct mail, OOH, email and social media maintained a cohesive identity and reach.

CityRax furthermore coordinates all customer service, whether via phone or email, in addition to monthly analytics for the entire program.

Within the first month of pilot launch, The Smart Compost NYC program surpassed DSNY's usage goal and already represents 12% of the Astoria neighborhood as active composters. The pilot continues to create new opportunities for customization with a soon-to-come digital app for unlocking the bins. In just two months with only 16 bins, Smart Compost NYC has collected over 32 tons of food scraps that will become finished compost – an excellent start indeed!

Over the initial six months of the pilot program, we signed up 5,231 users for the 20 bins installed in Astoria. The bins are primarily used weekly and we diverted 64 tons of food scraps in the first six months.

Because of the success of this pilot program, DSNY purchased and installed 250 more smart bins. They are now installed throughout the five boroughs. A mobile app allows any user to access any smart bin from their mobile device.

Potential Food Scrap Dropoff Program for Kent:

Manned --

The cheapest way to begin a food scrap recycling program is to set up a manned drop off location. Ryan Park could be an ideal location. We understand that there is a full time Kent employee responsible for the grounds.

We could start with ten 64-gallon rolling drop-off containers and locate them near to the existing structures, adjacent to the parking area. Our employee can roll out four empty containers at the beginning of his shift, then roll them away at the end of his shift. When a container is filled, our employee would move that bin so it is inaccessible to participants. It might be necessary to purchase an additional shed to provide

secured storage of the food waste containers, depending on the usage and access to the existing structures.

We would tell participants the location of the drop off bins and the hours available. Probably Monday to Friday 8am to 4pm, depending on the employee's current work schedule.

Our cost would be:

10 drop off containers and signage = \$2,000

200 starter kits = \$4,000 (reimbursed)

weekly hauling service at \$275 per month, or \$3,300 annually (attached proposal)

Scarsdale suggests a \$1,000 annual budget for cases of the compostable bags (reimbursed) a compost give back day and promotion (sign-up table, collateral material, banners)

Other Kent Specifics:

Under either program we will need a small amount of help in selling the starter kits. Perhaps they can be sold through the Town Clerk or Recreation Department? We will need someplace to store the starter kits, perhaps there is some space in the existing sheds at the back of the Town Hall complex?

It might make great sense to have either a web site or be a part of the Town's web site where residents can register for the program. They can be directed to stop by the Town Clerk to pick up their starter kits. Perhaps we can ask the Kent Recycling Center to sign up and provide the starter kits as well so we can have some weekend availability.

Additionally, we will need to activate the Kent Climate Smart and Conservation Advisory Committees to act as volunteers at any tabling events in the town. The purpose of the table is to educate people in how to compost and to sell the starter kits. Once people start recycling their food scraps, they begin to see how much food they are wasting and how easy it is to make a slight change in their food preparation routine to make a big impact in the reduction of greenhouse gases.

Next Steps:

Kent Town Board has to decide on the viability of Ryan Park and the manning situation.

Joe Montuori got a price quote for the 64-gallon drop off containers that is attached. Ron Schulhof of Scarsdale will provide their starter kit supplier once we are ready to order. Attached is a photo of the starter kit.

Attached is the proposal from Curbside Compost for weekly pickup.

In general, winter is not a great time to launch a food scraps drop off program. It would be great if we could plan to launch this program in May. That would give us quite a few months of warm weather to build participation and enthusiasm for the program.

Sources:

Environmental Protection Agency (EPA): Composting Food Waste: Keeping a Good Thing Going

<https://www.epa.gov/snep/composting-food-waste-keeping-good-thing-going>

Karen Ertl, Town of Philipstown Food Scrap Recycling Committee volunteer

Michelle Sterling and Ron Schulhof, Village of Scarsdale Conservation Advisory Council volunteers

Lohud.com article on Scarsdale food scrap drop-off program, 2/15/17

<https://www.lohud.com/story/news/local/westchester/scarsdale/2017/02/15/scarsdale-food-scrap-recycling/97659302/>

<https://scarsdale.com/495/Food-Scrap-Recycling>



RESOLUTION #
UNDERTAKE A GOVERNMENT OPERATIONS CLIMATE ACTION PLAN

WHEREAS, the Town of Kent pledged to take part in the NYS DEC Climate Smart Communities Certification Program that includes the preparation of a Government Operations Climate Action Plan; and

WHEREAS, a Government Operations Climate Action Plan is a strategy document that sets goals and outlines a set of initiatives that reduce greenhouse gas emissions and provides a framework for achieving those targets; and

WHEREAS, free technical assistance is available to support the development of the inventory and plan from the Hudson Valley Regional Council (HVRC) through a NYS DEC Climate Smart Communities Coordinator Services contract; and

WHEREAS, a completed climate action plan counts toward Climate Smart Communities certification, specifically;

1) PE2 Action: Government Operations Climate Action Plan; and

WHEREAS, the Climate Smart Task Force, comprised of environmental volunteer community leaders, will collaborate with HVRC in the development of this publication, review drafts, and provide valuable feedback on iterations that result in the final draft; and

WHEREAS, the task force will provide an opportunity for public input and comment on the draft report; and

WHEREAS, the task force will present a summary of the draft government operations climate action plan to the Town of Kent for consideration of adoption;

NOW THEREFORE BE IT RESOLVED, that the Town of Kent hereby undertake a Government Operations Climate Action Plan; and

BE IT FURTHER RESOLVED, the Municipal Board authorizes submission of these documents to the NYS DEC Office for Climate Change for consideration of points toward Climate Smart Communities certification for the Town of Kent.

The question of the adoption of the foregoing Resolution was duly put to a vote which resulted as follows:

NAME:

NAME:

NAME:

NAME:

NAME:

The Resolution was thereupon adopted on Date:

CERTIFICATION

I, NAME, hereby certify that I am the MUNICIPAL CLERK for the MUNICIPALITY, in said County of COUNTY, and do hereby certify the above is a true copy of the RESOLUTION TO UNDERTAKE THE [MUNICIPALITY] [YEARS] GOVERNMENT OPERATIONS CLIMATE ACTION PLAN. I further

certify the record is located at the [ADDRESS]. I have hereunto set my hand and affixed the seal of said Municipality this [DATE].

(Seal)

[NAME], Municipal Clerk