

**Town of Kent**  
**Town Board Meeting**  
**July 11, 2023**

**Workshop/Meeting 7pm**

1. Pledge of Allegiance
2. Roll Call
3. Discussion and/or Vote on the following:
  - a. Highway- Bond, transfer cars
  - b. Budget Transfers
  - c. Municipal Repairs- accept resignation, advertise for open position, transfer vehicles
  - d. Library- appoint new board member
  - e. Code Enforcement-correction of violation
  - f. Excavation Ordinance- set public hearing
  - g. Water Districts- SEQR, authorize submission for grant
  - h. Lake Carmel- hire seasonal worker, resignation
  - i. ARPA- allocate funds
4. Vouchers
5. Announcement
6. Public Comment



**Town of Kent Highway Department**  
Richard T. Othmer, Jr., Highway Superintendent  
62 Ludington Court  
Kent Lakes, New York 10512  
(845) 225-7172 Fax (845) 225-9464  
Email: [rothmer@townofkentny.gov](mailto:rothmer@townofkentny.gov)

## Highway Department Mid-Year Budget Status Report June 20, 2023 / Bonding Strategy

Dear Supervisor McGlasson, Honorable Members of the Town Board & Finance Officer Kelly:

As requested, please find the attached budget status facts, figures & requests.

### **Facts:**

- 2023 paving projects were based on a verbal agreement of \$600,000.00 of bonded monies to be provided, this is now physically happening.
- The Highway Department was able to do a lot of the new facility construction work in-house and because of the savings; I will be able to pay (\$30,000.00) for the new NYS DEC mandated well for the truck wash station from the capital construction fund.
- In a financial planning conference with the Supervisor & Finance Officer this past winter, we agreed to forgo purchasing any new equipment & concentrate on paving but did plan on instituting a yearly \$300,000.00 "New Equipment" budget line in 2024 in order to have a proper fleet replacement program in place.
- I recommend that the "Street Sweeper" budget line be increased from \$30,000.00 to \$50,000.00 for 2024. It is better that I explain this in person, there are too many variables involved for me to make sense here.

### **Requests / Negative Budget Balance Lines:**

- My equipment line from last year's bonding stands at a -\$119,000.00 for two reasons. My original request were correct; all new equipment costs went up 35% across the board during COVID. I had to cancel the contract or accept the new price. I had no choice, I needed this equipment. Additionally, I was supposed to sell the old loader from the 301 Garage but when the NYC DEP ordered that I get all the old Lake Carmel leaves & rotted wood chips (violations since 1986) off the site, I was forced to keep the machine & forgo the expected \$75,000.00 in revenue to pay for the new stuff.

- My Facility line A-5132.4, stands at -\$6,000.00. During the over-haul of the new building, numerous antiquated plumbing fixes were exposed & had to be replaced. We installed all new plumbing feed lines & water storage tank ourselves as well as pouring a concrete slab to keep the new tank off the floor. Additionally, because of the airtightness incurred with the new siding, roof & insulation, we had to install new outside vents to the furnaces. We did this all in-house for basic parts costs alone.
- My Highway Capital H.5120.553 line stands at -\$39,000 for engineering costs related to the design of the NYS DEC mandated drainage system & truck wash station & the pre-engineering costs for the Bridge New York Grant submissions. We already were awarded \$999,340.00 for the Lake Louise project and are waiting for the results of the current cycle, which includes the East Boyds, Nimham & Sagamore road Bridges. This is a good layout vs award ratio.
- NYS DEC mandates that I pave our parking lot to ensure the water runoff drains into the new filtration system. We will do this ourselves; estimated 500 tons @ \$100.00 = \$50,000.00.

**Monies requested to balance the Highway Department Coffers:**

\$119,000 – New Equipment

\$6,000.00 – Plumbing & Heating parts.

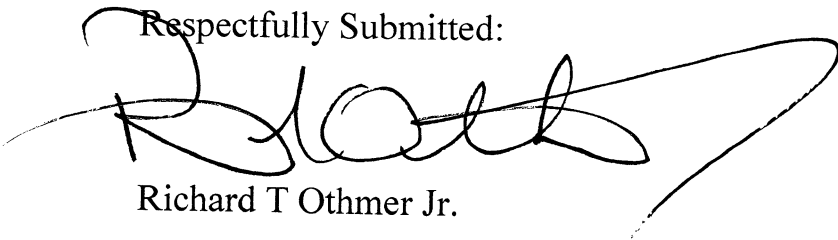
\$39,000.00 Engineering reimbursement

\$50,000.00 Highway Yard blacktop / material only.

\$214,000.00 total.

We are coming to the end for the main construction of the new building & renovation of the old. I am proud to say that the original 3.2 million dollar bond is coming in on budget.

Respectfully Submitted:



Richard T Othmer Jr.

Highway Superintendent

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Kent, in the

County of Putnam, New York

June 20, 2023

\* \* \*

A regular meeting of the Town Board of the Town of Kent, in the County of Putnam, New York, was held at Town Hall, 25 Sybil's Crossing, Kent Lakes, New York on June 20, 2023.

There were present: Jaime McGlasson, Supervisor

Board Members:

There were absent:

Also present: Yolanda Cappelli, Town Clerk

\* \* \*

\_\_\_\_\_ offered the following resolution and moved its  
adoption:

BOND RESOLUTION OF THE TOWN OF KENT, NEW YORK,  
ADOPTED JUNE 20, 2023, AUTHORIZING THE  
CONSTRUCTION OF ROAD IMPROVEMENTS, STATING  
THE ESTIMATED MAXIMUM COST THEREOF IS \$600,000,  
APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE,  
AND AUTHORIZING THE ISSUANCE OF BONDS OF THE  
TOWN IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED  
\$600,000 TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF KENT, IN THE COUNTY OF  
PUTNAM, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-  
thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Kent, in the County of Putnam, New York (herein called  
the “Town”), is hereby authorized to construct road improvements. The estimated maximum  
cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is  
\$600,000 and said amount is hereby appropriated for such purpose. The plan of financing  
includes the issuance of bonds of the Town in the principal amount of not to exceed \$600,000 to  
finance said appropriation, and the levy and collection of taxes on all the taxable real property in  
the Town to pay the principal of said bonds and the interest thereon as the same shall become  
due and payable.

Section 2. Bonds of the Town in the principal amount of not to exceed \$600,000  
are hereby authorized to be issued pursuant to the provisions of the Local Finance Law,

constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the “Law”), to finance said appropriation.

Section 3. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 20 (c) of the Law, is fifteen (15) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for

credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the "*Putnam County Press*," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, and to post on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF KENT, NEW YORK

PLEASE TAKE NOTICE that on June 20, 2023, the Town Board of the Town of Kent, in the County of Putnam, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Kent, New York, adopted June 20, 2023, authorizing the construction of road improvements, stating the estimated maximum cost thereof is \$600,000, appropriating said amount for such purpose, and authorizing the issuance of bonds of the Town in the principal amount of not to exceed \$600,000 to finance said appropriation,”

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct road improvements, at the estimated maximum cost of \$600,000; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$600,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of not to exceed \$600,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of not to exceed \$600,000 bonds of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING that the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds, and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds, and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof, and other related powers; and



SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: June 20, 2023  
Kent Lakes, New York

Yolanda Cappelli  
Town Clerk

Section 8. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

\* \* \*

The adoption of the foregoing resolution was seconded by

\_\_\_\_\_ and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

\*\*\*\*\*

CERTIFICATE

I, YOLANDA CAPPELLI, Town Clerk of the Town of Kent, in the County of Putnam, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Kent duly called and held on June 20, 2023, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the  
corporate seal of said Town this \_\_\_\_ day of  
\_\_\_\_\_, 2023.

(SEAL)

\_\_\_\_\_  
Yolanda Cappelli, Town Clerk  
Town of Kent

STATE OF NEW YORK    )  
  :SS:  
COUNTY OF PUTNAM    )

AFFIDAVIT OF POSTING

YOLANDA CAPPELLI, being duly sworn, deposes and says:

That she is and at all times hereinafter mentioned she was the duly elected, qualified and acting Town Clerk of the Town of Kent, in the County of Putnam, State of New York;

That on \_\_\_\_\_, 2023, she has caused to be conspicuously posted and fastened up a Notice setting forth an abstract of the bond resolution duly adopted by the Town Board on June 20, 2023, a copy of which is annexed hereto and made a part hereof, on the sign board of the Town maintained pursuant to the Town Law.

\_\_\_\_\_  
Yolanda Cappelli, Town Clerk  
Town of Kent

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public, State of New York

## Jaime McGlasson

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**From:** Municipal Repairs  
**Sent:** Wednesday, July 5, 2023 11:14 AM  
**To:** Richard Othmer; Jaime McGlasson  
**Cc:** Claudia Dworaczyk; Kevin Owens; Nancy Tagliafierro; Jamie Spillane; Brendan Liberati  
**Subject:** Re: Retired Ford SUV's

Good morning to everyone,

Rich I was approved with a board resolution # 201 Dated 6/21/2023 to auction the 2 Ford Crown Vics referenced in your letter.

The 2 police SUV vehicles coming out of service need approval with a board resolution the information is as follows:

PD 58 2014 Ford Utility VIN# 1FM5K8AR0EGB91246

PD 54 2013 Ford Utility VIN# 1FM5K8AR3DGC26215

If you have any questions please contact me.

Thank you,

Nicholas Mancuso  
Service Manager  
Town of Kent  
62 Ludington Court  
Carmel New York 10512  
845-225-6612

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**From:** Richard Othmer <rothmer@townofkentny.gov>  
**Sent:** Friday, June 30, 2023 11:36 AM  
**To:** Jaime McGlasson <jmcglasson@townofkentny.gov>  
**Cc:** Claudia Dworaczyk <cdworaczyk@townofkentny.gov>; Kevin Owens <kowens@townofkentny.gov>; Municipal Repairs <municipalrepairs@townofkentny.gov>; Nancy Tagliafierro <ntag@hrlawyers.com>; Jamie Spillane <jspillane@hoganandrossi.com>; Brendan Liberati <bliberati@hrlawyers.com>  
**Subject:** Retired Ford SUV's

Jaime:

This is to confirm my conversation with you authorizing the two recently retired Kent P.D. Ford SUV's to be transferred to the Highway Department & Municipal Repairs Department (1+1 Each).

I met with Police Chief Kevin Owens & he has approved as well.

## Jaime McGlasson

---

**From:** Richard Othmer  
**Sent:** Friday, June 30, 2023 11:36 AM  
**To:** Jaime McGlasson  
**Cc:** Claudia Dworaczyk; Kevin Owens; Municipal Repairs; Nancy Tagliafierro; Jamie Spillane; Brendan Liberati  
**Subject:** Retired Ford SUV's

Jaime:

This is to confirm my conversation with you authorizing the two recently retired Kent P.D. Ford SUV's to be transferred to the Highway Department & Municipal Repairs Department (1+1 Each).

I met with Police Chief Kevin Owens & he has approved as well.

Presently, both Highway & Municipal Repairs uses the Old Ford Crown Vic to pick up parts, run errands etc...this vehicle is now doing it's death dance & was never suitable for what we used it for. It could only transport so much & we frequently had to use our fuel inefficient pick-ups or small dumps to fetch the larger parts for equipment repairs.

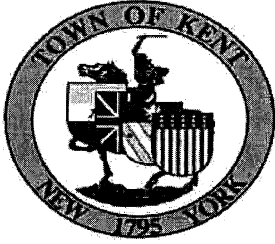
These SUV's will be perfect.

Could you please put them on the July 11<sup>th</sup> meeting for a resolution. Nick Mancuso will forward the Vehicle Vin # etc... ASAP.

We should put the sale of the Crown Victoria via Auctions International as well & be done with it.

Thanks:

Richie O



*Town of Kent Municipal Repairs  
62 Ludington Court  
Carmel, New York 10512  
(845) 225-6612 Fax (845) 225-9464  
Nicholas Mancuso, Automotive Service Manager  
municipalrepairs@townofkentny.gov*

Date: June 22,2023

Subject: Resignation

Supervisor Jaime McGlasson and Town board members,


I am writing today to notify you that Kyle Ulich Mechanic for Town of Kent Municipal Repairs is resigning his position at the Town of Kent his last working day would be June 30<sup>th</sup> 2023.

Kyle has decided to leave for a better opportunity for himself and his family.

I appreciate all the hard work and effort Kyle has put in to make Municipal Repairs run efficiently and he will be missed. I know it will be hard to replace such and individual as Kyle therefore I am requesting to post the position for Mechanic at Municipal Repairs ASAP.

When time is allowed to post externally please do so also.

I look forward to your response in this matter and if you have any questions please do not hesitate to ask.

Thank you  
  
Nicholas Mancuso  
Service Manger  
Town of Kent



## Resignation

Kyle Ulich <lilulich@icloud.com>

Fri 6/16/2023 10:34 AM

To:Municipal Repairs <municipalrepairs@townofkentny.gov>

TOWN OF KENT NOTICE

THIS EMAIL IS FROM AN EXTERNAL SENDER!

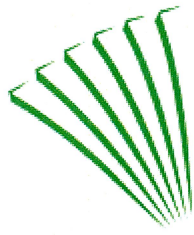
DO NOT click links, DO NOT open attachments, DO NOT forward if you were not expecting this email or if it seems suspicious in any way! REMEMBER: NEVER provide your user ID or password to anyone for any reason!

To whom it may concern,

I am writing this letter as a formal resignation from my mechanics position at the Town Of Kent. I would like to take this time to thank everyone for the opportunity I was given and all knowledge and experience I was given. I was and am truly honored to be let into the family that I have made with the highway department here and throughout the entire town.

Sincerely,

Kyle Ulich



## Kent Public Library

17 Sybils Crossing  
Kent Lakes, NY 10512  
845.225.8585  
www.kentlibrary.org

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June 27, 2023

Ms Lana Capelli  
Clerk, Town of Kent

Dear Lana,

The Kent Library Board has chosen a new member of the board of trustees, James Carey. He has been a Kent resident for the past 49 years, has been active with the town's sports programs, served in the Navy, and has extensive experience as a project manager. His term will run until December, 2027. I have told Jaime about his appointment, and am hoping that you will put him on the agenda of a future town board meeting for confirmation. He will be stopping by your office to "Sign the Book" and take the oath of office. Thank you,

Sincerely,

Carol Donick, Director, Kent Public Library

Cc James Carey

✓ Jaime McGlasson



## CODE ENFORCEMENT

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

June 27, 2023

**From:** Zoning Enforcement Officer, Town of Kent:  
**To:** Supervisor McGlasson, Town board members, Town of Kent:  
**Subject:** Violation requiring corrective action:

**Enclosed please find violation issued by the undersigned and bids for correction.  
Site owners have not responded to Notices of Violation with correction.**


**Locations requiring correction:  
46 Bowen Court, Holmes, N.Y. 12531**

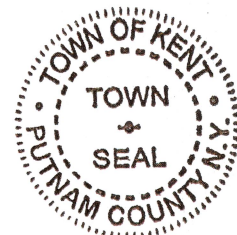
**The following proposals have been submitted:**

**F.I. Adams Inc: \$900.00  
Matty's Excavation failed to submit a requested bid.  
Relic Contracting failed to submit a requested bid.**

**Notice of Violation and bids are enclosed.**

**For your consideration and approval.**

  
\_\_\_\_\_  
**William Looney,  
Zoning Enforcement Officer,  
Town of Kent.**



610 Route 292  
Holmes, NY 12531  
(845)-855-3733 (914)760-8958  
914-760-8958

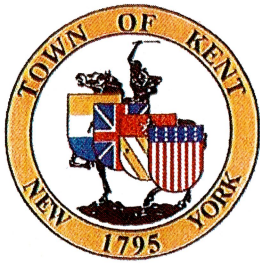
***FI Adams, Inc.***

**Estimate**

For: Town of kent  
46 Bowen Ct  
Holmes, NY, 12531-4510

Estimate No: 472  
Date: 06/01/2023

Description	Quantity	Rate	Amount
Clean up garbage around the house located at 46 Bowen road.	1	\$900.00	\$900.00
		Subtotal	\$900.00
		TAX 0%	\$0.00
		Total	\$900.00
		<b>Total</b>	<b>\$900.00</b>



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

**Location:** 46 Bowen Ct Kent, NY

**Map NO:** 12.-1-71

**Date:** 5/9/2023

**TO:**

Palushaj Enterprises LLC  
279-281 East 204th St  
Bronx, NY 10467

**PLEASE TAKE NOTICE:** THERE EXISTS A VIOLATION OF:

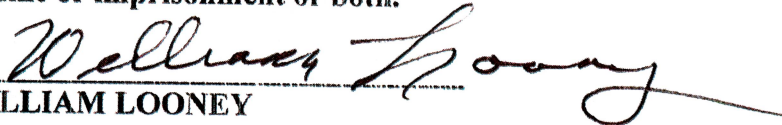
Town of Kent Municipal Code\Chapter 55a-Property Maintenance Code\Section 11 Subs B-1-A- Rubbish

at premises hereinafter described in that:

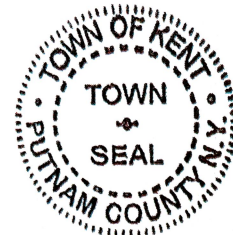
**RUBBISH: OWNER/AGENT HAS FAILED TO MAINTAIN SITE FREE OF RUBBISH AS DESCRIBED BY CODE.  
OWNER/AGENT MUST REMOVE ALL SUCH DESCRIBED DEBRIS FROM SITE.**

**OWNER/AGENT MUST NOTIFY THIS OFFICE WITHIN TEN DAYS OF A PROPOSAL TO REMEDY THE AFOREMENTIONED VIOLATION. IF THE REMEDY IS NOT FORTHCOMING THE TOWN OF KENT WILL CONTRACT WITH A VENDOR TO CORRECT THE VIOLATION AND THE FEE CHARGED WILL BE CHARGED TO THE PROPERTY OWNER OR THE TAX ASSESSMENT LEVIED ON THE SITE.  
ADDITIONALLY A CITATION RETURNABLE IN KENT JUSTICE COURT WILL BE ISSUED**

**YOU ARE THEREFORE DIRECTED AND ORDERED to comply with the law and remedy the conditions above mentioned within ten days from this date. Failure to remedy the conditions aforesaid and to comply with the law may constitute an offense punishable by fine or imprisonment or both.**



**WILLIAM LOONEY  
ZONING ENFORCEMENT OFFICER  
TOWN OF KENT**







**Town of Kent  
Excavation and Mining  
Chapter 63**

**A. Purpose and Intent.**

The purpose and intent of this chapter, its supplementary land development requirements and standards are as follows:

1. To ensure that excavation will be conducted in a manner that will protect residential and local business areas and other land uses, and the value of land from potential adverse impacts.
2. To limit the amount of excavation to the minimum required for site preparation, preserving, insofar as possible, the topographical beauty of the community, including the character of the existing landscape, its knolls, hills, and ridgelines and other aspects of the Town's natural environment.
3. To limit the amount of material that may be removed from a site and establish clear standards and requirements for the planned phasing of areas of excavation to avoid the creation of a disturbed, barren area of land that is not consistent with the Town's natural environment and rural, residential character.
4. To prevent the adverse effects of disturbed land, such as stormwater, erosion and sedimentation, and pollution from affecting the community's watershed, watercourses, waterbodies and wetlands, and other natural resources.

**B. Definitions**

**AGRICULTURAL ACTIVITY**

The activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

**CLEARING**

Any activity that removes the vegetative surface cover.

**CONCEPTUAL EXCAVATION AND PHASED DEVELOPMENT PLAN**

A drawing, or set of drawings, with general information sufficient to adequately describe the existing conditions of the site and the proposed excavation and development. This information shall include data on existing land characteristics (slopes, wetlands, rocky areas, etc.), available utilities, and the proposed general layout, timing, and phasing of development, including buildings, parking, driveways, pedestrian ways, generalized landscaped areas and other improvements, and general limits of disturbance.



## DISTURBANCE

All land preparation activities involving the movement, placement, removal, transfer or shifting of soil, rock and/or vegetation, including but not limited to, clearing draining, filling, grading, regrading or the building of structures or the placement of improvements on land, including the construction of individual sidewalks, paths, roads, or driveways. The condition of land disturbance shall be deemed to continue until the area of disturbance is returned to its original state or to a state complying with a permit for such disturbance granted in accordance with this chapter.

## EXCAVATION

The disturbance or removal of material including soil, rock and/or minerals from land for the purposes of site preparation for land development and construction projects, regardless of whether those materials are retained on the site or removed from the site.

## EXCAVATION AND PHASED DEVELOPMENT PLAN

A drawing, or set of drawings, with detailed information as set forth herein, to fully demonstrate the existing conditions of the site and the proposed excavation and phased development. The information and plans shall include data on existing land characteristics (topography,, wetlands, rock outcroppings and ledge areas, etc.), available utilities, and the proposed general layout, timing, and phasing of development, including buildings, parking, driveways, pedestrian ways, generalized landscaped areas and other improvements, limits of disturbance, and corresponding grading, drainage, erosion and sedimentation control and other measures to be demonstrated on phased development plans.

## MINERAL

All naturally formed, usually inorganic, solid material located on or below the surface of the earth. For the purposes of this chapter, peat and topsoil shall be considered minerals.

## MINING

The extraction of soils, rock (overburden) and minerals from the earth, and the removal of such materials from the site through sale or exchange or for commercial, industrial, or municipal use. Mining shall not include the creation of water bodies or excavations in aid of agriculture. Activities associated with the processing of such materials, if permitted, must comply with the conditions of any permit granted in accordance with this chapter.

## PROCESSING:

Any mechanical manipulation of material including crushing, screening, blending, washing, and any procedure which changes the size of the particles or the particle size distribution or gradation from in-situ characteristics. Processing also includes any mechanical and/or thermal combining or blending of materials from one or more sources in order to manufacture a product with certain specification requirements.

Processing shall not mean simply excavating and loading earth material directly into a transport vehicle.

#### TOPSOIL

Topsoil shall consist of friable surface soil reasonably free of grass, weeds, sticks, stones, or other foreign materials.

#### **C. Applicability**

1. Mining as defined under this code is prohibited in the Town of Kent.
2. The amount of material to be removed from the subject site shall not exceed 1,000 tons or 750 cubic yards, whichever is less, during twelve (12) successive calendar months.
3. Excavation as defined under this code shall be permitted in accordance with the following:
  4. 2. Any individual or entity proposing to excavate a total, collective area of 80,000 square feet or more of the surface area of a site which will result in a change in the average existing, natural grade (topography) of 4 (four) feet or more in any area defined by a rectangle of 10,000 square feet, minimum dimension of 100 feet per side and involving the displacement of 1,500 cubic yards or more of material within the Town of Kent shall prepare an application as delineated herein below for an excavation permit.
5. Excavation is permitted under the following conditions:
  - a. A special use permit for excavation has been issued by the Town Board according to the procedures outlined below.
  - b. The approved plan shall be for the phased development of the site for uses which are principal permitted uses or permitted special uses in the underlying zoning district.
  - c. For excavation projects, the approval specifically includes a phased implementation plan which balances phases of excavation and phases of land development so as to avoid excavation of the entire site prior to establishment of the approved use. The phasing plan shall be backed by a performance bond.
  - d. The excavated material shall be the minimum necessary to construct the project, and the material that is removed from the property shall only be in excess of that which can be reused or redistributed on the site provided that this amount is specified in the building permit for such improvement and is less than 1,000 tons or 750 cubic yards, whichever is lower, within 12 successive calendar months.
  - e. The Town Board at its discretion may permit onsite processing of excavated materials subject to such additional conditions as they deem necessary provided that all processed materials are used on site in the proposed phased development and that no processed materials are removed from the property.
  - f. Any regrading, removal or excavation shall be completed within one year of the date of issuance of said permit.
  - g. The excavation permit shall be void if construction is not started within one year of the date of Town Board approval and completed within two years of the date of

such approval. Prior to its expiration, the excavation permit approval may be renewed by written request of the applicant for up to two additional ninety-day periods.

#### **D. Exemptions**

Excavation in the following cases is not subject to the limitations of this section, and no special use permit approval from the Town Board is required:

1. Land disturbance operations in which topsoil is removed from one part of the property and deposited on another part of the same property, provided that it is replaced with a cover of earth in which the vegetable matter may take root and grow and is seeded with grass, permanent pasture mixture or other fast-growing vegetation, repeatedly as necessary until the growth is established.
2. Excavation within the limits of the right-of-way of any Town, county, or state highway or for the sole purpose of building roads and slopes incidental thereto which lie within the area of a subdivision approved by the Planning Board of the Town of Kent are on file in the County Clerk's office in Putnam County, New York.
3. Excavation in connection with agricultural activity, including farm ponds and soil conservation measures, provided that such improvement conforms to the following standards and conditions:
  - a. Final slopes shall be finished at a grade no greater than the natural angle of repose, except where supported by a retaining wall or foundation.
  - b. Any lakes or ponds that are created shall have a sufficient depth and inflow of water to prevent eutrophication and to prevent their becoming stagnant in dry periods.
  - c. Topsoil may be disturbed and relocated in connection with any permitted excavation but shall be replaced with earth in which vegetable matter may take root and grow and shall be seeded with grass, permanent pasture mixture or other fast-growing vegetation, repeatedly as necessary until the growth is established.
  - d. In the event that the construction of improvements for which preparatory excavation is performed does not commence within six months of the commencement of such excavation, the permittee shall be required to immediately begin reclamation operations to restore the land to a condition that will minimize erosion and any unsightly conditions.
4. Excavation required to construct single-family home foundations and basements.

#### **E. Application Procedure.**

The application procedure for approval of a special use permit for excavation shall involve a three-stage process:

1. The applicant shall submit an application supported by a conceptual excavation and phased development plan to the Planning Board. The Planning Board shall review the plan and determine if excavation and land disturbance thresholds under this code will be met or exceeded requiring referral to the Town Board. The Town Board shall receive the referral from the Planning Board and evaluate the plan relative to the conformity of

the proposal with the Town Comprehensive Plan and this chapter. The Town Board shall:

- a. provide feedback to the Applicant regarding additional information that must be submitted as part of the conceptual excavation and phased development plan for reconsideration by the Town Board; or
  - b. upon acceptance of the conceptual excavation and phased development plan, the Town Board may direct the applicant to submit a full and complete excavation and phased development plan application as set forth herein; or
  - c. deny the conceptual excavation and phased development plan.
2. Upon direction of the Town Board, the applicant shall submit a full and complete excavation and phased development plan application to the Town Board, which shall be referred to the Planning Board for a detailed review and report. The Planning Board shall serve as Lead Agency and conduct the New York State Environmental Quality Review Act (SEQRA) review unless otherwise superseded by another involved agency. The Planning Board shall as part of the SEQRA review conduct a public hearing on the matter. Upon the conclusion of the SEQRA review, the Planning Board will issue a determination of environmental significance, and all associated approvals and permits. The Planning Board shall refer the entire application package back to the Town Board.
  3. Upon receipt of the entire application package from the Planning Board, the Town Board shall consider the comments of the Planning Board and their SEQRA determination. Within 62 days of receipt of the application from the Planning Board, the Town Board shall give due notice and may hold a public hearing on the special use permit for excavation.

#### **F. Town Board Action.**

Within 30 days of the close of the public hearing, the Town Board shall act either to approve, approve with conditions or disapprove the special use permit for excavation.

1. With respect to the excavation permit and phasing, the Town Board shall make the following findings:
  - a. That the location, character and scope of the excavation activity, and the access and any temporary buildings, structures, facilities, or processing equipment, will reasonably safeguard the character of the neighborhood and surrounding property values, will not hinder, or discourage the appropriate development and use of adjacent property and, when completed, will conform to the appropriate and orderly development of the Town and neighborhood.
  - b. That the lot on which the excavation activity is to be conducted is of sufficient size and adequate dimension to permit the excavation activity in a manner that will not be detrimental to the neighborhood or adjacent property.
  - c. That reasonable provision will be made for screening the excavation activity including processing from view from adjacent streets and property, and that buffer transition areas will be provided to protect adjacent properties.
  - d. That the streets serving the proposed excavation activity are adequate to carry prospective traffic, that provision will be made for entering and leaving the lot in

such a manner that no undue hazard to traffic or undue traffic congestion is created and that adequate off-street parking and loading facilities will be provided for conduct of the excavation activity.

- e. That the proposed excavation activity when completed, will not result in creation of soil erosion, sedimentation or fertility problems or drainage, sewerage or groundwater problems, or pollution which would impair the reasonable reuse and development of the lot and/or be detrimental to the neighborhood or adjacent property and that the excavation and phased development plan is consistent with the Town of Kent Comprehensive Plan.
  - f. That the proposed excavation activity, any buildings, structures, facilities or processing equipment and hours of operation will make provision for control of dust and lighting and otherwise will not be detrimental to the public health, safety and general welfare of the neighborhood and the community.
2. Such conditions and safeguards shall be attached to the special permit as the Town Board deems necessary and appropriate to assure continual conformance to all applicable standards and requirements.

#### **H. Regulatory Compliance**

Each application for a special use permit shall be in compliance with all pertinent regulations, including:

1. All applicable provisions of the Code of the Town of Kent, including but not limited to regulations for flood damage prevention, freshwater wetlands, tree removal, steep slope protection and stormwater management, subdivision of land, watercourses, soil hydrology, environmentally sensitive lands, zoning, and any other pertinent provisions.
2. New York City Department of Environmental Protection (NYCDEP), New York State Department of Environmental Conservation (NYSDEC) and all other applicable regulations.

#### **I. Application Requirements**

Each application for a special use permit shall be accompanied by the following:

1. A proposed site plan showing the size and location of the lot, the location of all buildings and proposed facilities, including access drives and parking areas, and all streets within 200 feet of the lot. The site plan shall use as a base map a recent, accurate boundary and topographic survey of the property depicting all existing improvements and grades prepared by a New York State licensed land surveyor. The plan shall depict all proposed site alterations and improvements and shall be prepared by a professional engineer, a landscape architect, or an architect licensed by the State of New York and shall include the following information:
  - a. A location map, at a convenient scale, showing the applicant's entire property and all boundaries, easements, and streets within 500 feet thereof.
  - b. Show existing improvements, utilities, wells, and septic systems.

- c. The location and limits of the area of disturbance on the lot to be subject to the excavation activity and any lines delimiting areas not to be disturbed.
- d. Existing topography and proposed grade elevations at a contour interval of not more than two feet, unless waived by the Town Board, with existing topography to be shown on the subject parcel and within 200 feet of the area to be subject to the excavation operation, drawn to a scale of not less than 100 feet equals one inch.
- e. Show existing and proposed drainage within the limits of disturbance and within a distance of 200 feet outside of the limits of disturbance.
- f. Show existing wetlands, watercourses, and waterbodies and associated buffers delineated in compliance with pertinent provisions of the Code of the Town of Kent, including Chapter 39A, within the limits of disturbance and within a distance of 200 feet outside of the limits of disturbance.
- g. Show proposed truck and equipment access to the lot, including roadway and access improvements proposed.
- h. Show the location of wooded areas, existing buildings and structures and the location of any proposed buildings and structures within the limits of disturbance and within a distance of 200 feet outside of the limits of disturbance.
- i. Any proposed temporary or permanent screening of the excavation operation, such as by berms, fences, and landscaping.
- j. The location, size, use and architectural design of all existing buildings and structures.
- k. The location of all property lines and structures within 200 feet of the property boundary.
- l. Existing soil types, wetlands, and watercourses, one-hundred-year floodplains, bedrock outcrops, slopes in excess of 10%, and the location of trees with a diameter of six inches (6") or greater as measured 4.5' from the ground level (Direct Breast Height, or dbh).
- m. The location and capacity or number of all existing and proposed roads, driveways, parking and loading areas, including access and egress drives.
- n. The location of outdoor storage areas.
- o. The location of fire access roads and fire protection features.
- p. The location, description, and design of all existing and proposed site improvements, including building footprints, pavement, walkways, curbing, drains, culverts, retaining walls, fences, parks, open spaces, and recreation areas.
- q. The location, design and description of water supply and sewage disposal facilities.
- r. The location, design, and description of stormwater management facilities, including proposed grading plan.
- s. The location, height, and species of landscape plantings on a landscape plan.
- t. The character and location of all power distribution and transmission lines.
- u. The location and description of all subsurface site improvements and facilities.
- v. The location of any processing equipment and stockpiles.

- w. The extent and amount of cut and fill for all disturbed areas, including before-and-after profiles of typical development areas, building footprints, walkways, parking lots, driveways, and roads.
  - x. The total amount of cut and fill in cubic yards.
  - y. The average existing grade and the average proposed grade and depth of excavation.
  - z. Adequate provisions for the handling of stormwater runoff, including retention/detention, piping, or channeling to existing or proposed drainage systems during and after construction.
    - aa. Proposed phasing of development.
    - bb. A rock removal or blasting plan as determined to be required.
    - cc. If blasting is found to be required, a baseline potability and pollutant study and monitoring plan during and post-construction of surrounding wells. Test parameters and the location of the wells to be tested will be determined.
    - dd. Restoration or reclamation plan as determined to be required.
    - ee. A signature block for Town Board endorsement of approval.
    - ff. The name and address of the owner of the property proposed for development, along with the signature of said owner.
    - gg. The name and address of the applicant, if different, along with the signature of said applicant.
    - hh. At the request of the Town or Planning Board, any other pertinent information or materials determined to be necessary to assist in the review and evaluation of the proposed special use permit for excavation and provide for the proper enforcement of this chapter.
2. A Full Environmental Assessment Form (Full EAF) together with any supporting documents or other material intended to expand or clarify information contained in the Full EAF intended to assist the Town in the review of this project.
  3. A complete copy of all application materials submitted to the NYSDEC pursuant to Article 23, Title 27 of the Environmental Conservation Law, if applicable.
  4. A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Town of Kent Town Code Chapter 66. The SWPPP shall meet the performance and design criteria and standards in Chapter 66, Article IV. The approved special use permit shall be consistent with the provisions of Chapter 66.
  5. A narrative addressing the following and such additional information deemed appropriate by the Town Board:
    - a. An evaluation of the proposed excavation activity relative to surrounding land uses, including an evaluation of potential environmental impacts, including but not limited to noise, dust, and visual impacts on surrounding land uses.
    - b. The duration of the operation through to site restoration, proposed hours and days of operation and the program for staging the site preparation, excavation and restoration in time and geographic sections.
    - c. The program of measures to be undertaken for control of noise, dust, soil erosion and sedimentation, water pollution, and the mitigation of visual impacts,

including outdoor illumination, and elements of a reclamation plan for the area of the lot to be subject to the excavation activity.

- d. An estimate of the number of vehicles expected to enter and exit the lot on a daily basis and at peak hours, and description of any roadway capacity and safety improvement proposed on the streets giving access to the lot.
- e. Description of the nature and capacity of any processing equipment proposed to be established on the lot.

**J. Waiver of Requirements and Standards**

1. Where the Town Board and/or Planning Board finds that certain application requirements, data and information, set forth in section I, above, are not required or are unnecessary to review the application for a special use permit and the potential effects of proposed excavation, it may waive specific requirements or standards upon written request of the applicant; provided that such waiver will not have the effect of nullifying the intent and purpose of this chapter or any chapter of the Town Code, or the State Environmental Quality Review Act.
2. Where the Board finds that, due to the special circumstances of a particular application, the provision of certain required improvements or adherence to a certain specific standard is not required to further the interest of the public health, safety and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the site of the special use permit, it may waive such requirements or standards, subject to appropriate conditions as deemed appropriate by the Town Board and/or Planning Board. The Board shall state on the record the reasons supporting any waiver that may be granted.
3. In granting waiver(s), the Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

**K. Performance Standards**

The excavation activities shall conform to the following standards and conditions:

1. There shall not be any vegetation removal, clearing of the land or alteration of the site without first obtaining a special use permit for excavation from the Town Board.
2. There shall not be any vegetation removal, clearing of the land or hydrological alteration of any Town of Kent jurisdictional wetland, watercourse, and/or waterbodies and associated buffers without first obtaining a special use permit for excavation from the Town Board.
3. All excavation activities shall conform to the information, report, maps, plans and conditions approved by the Planning Board and Town Board.
4. The lot will be excavated and graded within the limits shown on the approved plans and in conformity with the proposed contour plan as approved.
5. The measures for noise, visual, soil erosion and sediment control will be installed, maintained, and completed in accordance with all approvals and permits.
6. The slopes will not exceed one foot of rise for two feet of horizontal distance or such lesser slope that the Planning Board may specify as necessary for the public health and



safety, soil stability or for the reasonable use of the property after completion of the operation.

7. There will be no excavation, processing or grading or removal within 50 feet of any property or street line, or a greater or lesser distance if approved by the Town Board.
8. There shall be no sharp declivities, pits or depressions, and proper drainage will be provided to avoid stagnant water, soil erosion and water pollution during and upon completion of operations.
9. The permittee shall maintain and repair all streets and roads affected by the conduct of the excavation operations and by the transport of any and all materials to and from the site and within the site; and such work shall be completed within the time provided for in the permit.
10. The lot will be cleared of all debris within the period for which the excavation permit is granted.
11. Except in the location of wetlands and watercourses and exposed ledge rock, the topsoil for a depth of twelve inches will be set aside and retained on the lot and will be respread over the excavated or graded area as the work progresses, that an approved ground cover will be planted and grown to an erosion-resistant condition upon the completion of the excavation or removal in accordance with the approved contour lines and that such work be completed within the period for which the local excavation permit is granted.
12. If required by the Town Board, the area to be excavated or a portion thereof shall be enclosed within a fence of such type, height, and location as the Board approves.
13. A schedule shall be established setting forth the following:
  - a. Limitations on the day of the week and the hours of the day during which any work, including or rock chipping, drilling, processing, or hammering, or blasting may be performed on the lot, in compliance with Town of Kent noise regulations.
  - b. The place and manner of disposal on the lot of excavated material.
  - c. Requirements as to the control of dust, noise, and lighting.
14. The applicant shall submit weekly reports, prepared by and bearing the seal of an engineer, showing the status and progress of the excavation activity.

**L. Performance Bond and Insurance**

**1. Performance bond**

In order to ensure the full and faithful completion of all construction activities related to compliance with all conditions set forth by the Town in its issuance of special use permit for excavation, the owner or applicant shall provide, as a condition of approval, a performance bond, supported by sufficient security in the form of cash bond, surety bond, a cash escrow account, irrevocable letter of credit or certified check drawn upon a national or state bank or other cash equivalent, which guarantees satisfactory completion of the project and names the Town as the beneficiary. The security shall be in an amount to be determined based on submission of final design plans. The amount of the performance bond shall be based on the submittal of a detailed cost estimate, which shall be reviewed by the Town Engineer, who shall report said recommendations to the Town Board.

- a. The bond shall be conditioned that any affected land shall be restored in conformity with the approved excavation permit and plans and the standards set forth by this section.
- b. In the event of default in compliance with the excavation permit and plans or the terms of this section, the letter of credit or surety bond shall be forfeited to the Town.
- c. The Town shall return to the operator any bonded amount that is not needed to cover the expenses of restoration, administration and any other expenses reasonably incurred by the Town as a result of the applicant's failure to comply with the terms of the excavation permit and plans of this section.
- d. The security shall remain in full force until the applicant and/or developer is released from liability by the Town, provided that such period shall not be less than two years from the date of final acceptance or such other certification that the work covered under the permit and/or any phased development plan associated therewith and all improvements have been constructed and completed in accordance with all plans, specifications and approvals.
- e. In the event of a proposed transfer of an excavation permit and plans, the Town Board shall require the filing of a certificate from the surety company issuing the bond then in effect, continuing the same bond as to the new permit holder or certifying that a new bond has been issued. In the absence of such certificate, no transfer of a permit will be allowed.
- f. The required bond amount pursuant to this subsection shall be reviewed on a yearly basis to assure that a fair and reasonable bond is available to the Town should any default in performance of the requirements of the permit or this section occur.
- g. At its discretion, the Town may accept cash or certified check, negotiable bonds of the United States government, United States Treasury notes, United States Treasury certificates of indebtedness, United States Treasury bills, bonds or notes of the State of New York, bonds of any political subdivision in the agency or of other New York State agencies or authorities, or bonds of public corporations of the State of New York, and irrevocable bank letter of credit, a certificate of deposit, or other forms of financial security acceptable to the Town. Acceptable substitutes, if furnished, shall be kept on deposit with the Town Clerk for the duration of the bond period. Any cash received pursuant to this section shall be maintained in an interest-bearing account, which interest shall accumulate during the life of the account and shall be refunded to the depositor when the cash is refunded.

## 2. Insurance

After approval of the application and before issuance of any permit, the applicant shall present to the Town certificates of insurance evidencing liability insurance coverage. The minimum acceptable liability coverage for any permitted excavation and phased development plan shall be \$2,000,000. The liability coverage shall be maintained throughout the period of permit activity. The certificates of insurance shall provide for a thirty-day minimum notice period to the Town before cancellation of coverage.

**M. Enforcement; penalties for offenses.**

1. Notice of violation. When the Town determines that excavation and/or land disturbance is not being carried out in accordance with the requirements of this chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:
  - a. The name and address of the landowner, developer, or applicant.
  - b. The address, when available, or a description of the building, structure, or land upon which the violation is occurring.
  - c. A statement specifying the nature of the violation.
  - d. A description of the remedial measures necessary to bring the land development activity into compliance with this chapter and a time schedule for the completion of such remedial action.
  - e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed by the Town.
  - f. A statement that the determination of violation may be appealed to Town Board by filing a written notice of appeal within 15 days of service of notice of violation.
2. Stop-work orders. The Town may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order shall be required to halt all excavation and/or land disturbance, except those activities that directly remedy the violations leading to the stop-work order. The stop-work order shall be in effect until the Town confirms that the excavation and/or land disturbance is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.
3. Violations. Any excavation and/or land disturbance that is commenced or is conducted contrary to this chapter may be restrained by injunction or otherwise abated in a manner provided by law.
4. Indemnification of Town. If the NYSDEC shall serve a notice of violation upon the Town, bring an administrative complaint against the Town, and/or commence a civil suit against the Town due to a violation of State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4) GP-02-02, as may be amended from time to time, and such notice of violation, administrative complaint, or civil suit is a result of, due to, a consequence of, or the outcome of the actions of a person who has violated the provisions of this chapter, then said person shall indemnify the Town for any and all fines, damages or penalties imposed by the NYSDEC upon the Town.
5. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine as indicated in the most recent schedule adopted by the Town Board., or imprisonment for a period not to exceed six months, or both.
6. Withholding of certificate of occupancy. If any excavation and/or land disturbance conducted in violation of this chapter, the Town may prevent the occupancy of said building or land.

7. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

N. Term of Special Use Permit termination, expiration, and revocation

1. Special use permits may terminate with any change of use, expansion of use, failure to abide by the conditions of the special use permit or misrepresentation on an application.
2. A special use permit approval shall be void if construction is not started within one year of the date of Town Board approval and completed within two years of the date of such approval. Prior to its expiration, the special use permit approval may be renewed by written request of the applicant for up to two additional ninety-day periods.
3. Other special use permits granted for a particular operation shall terminate at the completion of the operation or upon expiration of the permit. Such limitation shall be specified as a condition of the special use permit.
4. No less than 30 days prior to the expiration of a special use permit, the applicant or permit holder shall make application to the Town Board for a renewal. Where the applicant is in full compliance with the previously approved conditions, including the requirements and standards in this chapter, the permit shall be renewed. Where the Code Enforcement Officer finds that the applicant is not in compliance with those decisions, the application shall be referred to the Town Board for review.
5. Upon notice of violation issued by the Code Enforcement Officer, the holder of a special use permit may remedy the violation within a period of 30 days, request a hearing before the Town Board or forfeit the special use permit which shall be revoked and become null and void.

O. Appeals

Any person or persons jointly or severally aggrieved by any decision of the Town Board may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the Civil Practice Law and Rules of the State of New York. Such proceedings shall be governed by the specific provisions of Article 78 except that the action must be initiated as therein provided within thirty calendar days after the filing of the Board's decision with the Office of the Town Clerk.

If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this chapter.

**RESOLUTION NO.**

At the public meeting of the Town Board of the Town of Kent, held at Kent Town Hall, Kent, New York on Tuesday, July 11, 2023 at 7:00 pm, the following resolution was duly adopted:

**RESOLUTION AUTHORIZING SUBMISSION OF A NEW YORK STATE WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) GRANT APPLICATION FOR THE TOWN OF KENT WATER SYSTEM IMPROVEMENTS PROJECT**

**WHEREAS** the Town Board of the Town of Kent (hereinafter the “Town”) duly caused to be prepared a Preliminary Engineering Report (PER) recommending proposed improvements to the Town water systems to include the addition of PFAS treatment systems, the replacement of various groundwater wells, the replacement of a water storage tank, and chlorine treatment improvements; and

**WHEREAS** the PER shows the estimated costs of these improvements to be \$2,482,300; and

**WHEREAS** the Town Board of the Town of Kent now desires to pursue grant funding for the project under the New York State Water Infrastructure Improvement Act (WIIA) program.

**THEREFORE, UPON MOTION** of Councilman \_\_\_\_\_, seconded by Councilman \_\_\_\_\_

**SECTION 1.** Town Board of the Town of Kent, Putnam County, New York, authorizes the submission of a New York State Water Infrastructure Improvement Act (WIIA) grant application.

**SECTION 2.** Town of Kent Supervisor is hereby authorized to submit an application on behalf of the Town for grant funding under the New York State Water Infrastructure Improvement Act (WIIA) Program, and to execute any agreements, instruments, or other documents in connection with the Town’s acceptance of any such grants and/or the funding thereof. The Town Supervisor may authorize any required local match required with respect to financing or grants awarded to the Town for the project through the use of cash and/or in-kind services.

**SECTION 3.** This resolution shall become effective July 11, 2023.

**DATED:** July 11, 2023

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSTAIN</b>
McGlasson			
Tompuri			
Campbell			
Boyd			
Ruthven			

## Jaime McGlasson

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**From:** Lake Carmel Parks Clerk  
**Sent:** Wednesday, July 5, 2023 11:50 AM  
**To:** Jaime McGlasson  
**Cc:** Claudia Dworaczyk  
**Subject:** Lake Carmel Park District Seasonal Employee - Jaroslov Fejko

**Importance:** High

Crew Chief Frank Sabatini requests the approval of the town board to hire Jaroslov Fejko as a seasonal employee for the park district to start immediately at a salary of \$15.00/hour.

Thank you,

**Heidi Link**

**Town of Kent**

**Lake Carmel Park District Clerk**

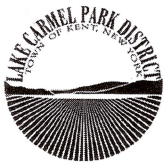
25 Sybil's Crossing

Kent Lakes, NY 10512

Email: [lcpdclerk@townofkentny.gov](mailto:lcpdclerk@townofkentny.gov)

Office: 845-306-5602

Fax: 845-225-5130



July 5, 2023

Lake Carmel Advisory Board  
Att: Walter Recher

Re: Resignation of Board Seat

Mr. Recher:

This letter will serve as my official resignation of the Lake Carmel Advisory Board.

Thank you for the experience. It was a pleasure working with all of you.

Joseph Nemeth