

TOWN OF KENT TOWN BOARD WORKSHOP/MEETING OF JANUARY 28, 2014

A workshop meeting was held at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York at 7:00 p.m.

The board reviewed all the items on the workshop agenda. The public was given an opportunity to speak on the items discussed by the board.

Salute to the Flag - At 8:15 p.m. Supervisor Fleming called the meeting to order with the Salute to the Flag.

Roll Call

Supervisor Maureen Fleming - present Councilman Paul Denbaum – present
Councilwoman Penny Osborn – present Councilman Bill Huestis – present
Councilman Mike Tierney – present

Also Present: Town Counsel Tim Curtiss, Sergeant Owens, and Recycling Chairperson Sue Kotzur.

Resolution #74 - Adjourn to Executive Session

On a motion by Supervisor Fleming
Seconded by Councilman Denbaum
Resolved: The Town Board adjourned to executive session to discuss the new hire of a Kent Police Officer.
Motion carried unanimously

Resolution #75 - Adjourn Executive Session

On a motion by Supervisor Fleming
Seconded by Councilman Huestis
Resolved: Executive session adjourned at 8:40 p.m. no action was taken
Motion carried unanimously

Resolution #76 -Add to Agenda – Accept Resignation

On a motion by Supervisor Fleming
Seconded by Councilman Tierney
Resolved: The resignation of Police Officer William Verrastro was added to the agenda.
Motion carried unanimously.

Resolution #77 – Accept Resignation of Officer Verrastro

On a motion by Supervisor Fleming
Seconded by Councilman Tierney
Resolved: The resignation of Police Officer William Verrastro, was accepted with regret effective midnight January 6th, 2014.
Motion carried unanimously.

Resolution #78 – Add to Agenda – Approval of New Hire for Police Department

On a motion by Supervisor Fleming
Seconded by Councilwoman Osborn
Resolved: The approval of a new hire for the Kent Police Department was added to the agenda.
Motion carried unanimously

Resolution #79– Authorize Kent Police Department to Hire Daniel Huestis

On a motion by Supervisor Fleming
Seconded by Councilman Denbaum

WHEREAS, Daniel P. Huestis has been recommended for appointment as Patrolman to fill the existing vacancy by the Chief of Police at a salary as set forth in the Collective Bargaining Agreement; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the Chief of Police's recommendation and appoint Daniel P. Huestis as Patrolman at the salary set forth in the Collective Bargaining Agreement.

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NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby appoints Daniel P. Huestis as a Patrolman for the Town of Kent at the salary set forth in the Collective Bargaining Agreement commencing February 2, 2014; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign any and all paperwork necessary to complete the appointment.

Roll Call

Councilman Denbaum – aye

Councilwoman Osborn – aye

Councilman Huestis – recuse himself

Councilman Tierney – aye

Supervisor Fleming – aye

Motion carried

Resolution #80 - Approval of Vouchers and Claims

On a motion by Councilman Huestis

Seconded by Councilman Tierney

Resolved: Voucher #27221 - #27420 and claims submitted by:

2013 VOUCHERS

1. Ben Funk, Inc.	\$2,268.89	Municipal Repair Parts
2. Cargill, Inc.	\$14,068.44	Salt
	\$19,035.45	
3. Timothy J. Curtiss, P.C.	\$5,573.75	December: Traffic
	\$5,562.50	December: General
4. Fleetpride, Inc.	\$2,203.40	Municipal Repair Parts
5. Global Montello Group Corp.	\$6,410.80	Fuel
	\$5,169.82	
	\$5,885.40	
6. Richard Harris	\$3,517.50	IT Support
7. Jasper Engines	\$2,848.00	Engine
8. Robison Oil	\$5,844.00	Heating Oil: Highway
9. Royal Carting	\$4,370.77	Recycling Garbage
10. State Comptroller	\$14,574.00	Justice Court Fines & Fees
11. Thalle Industries, Inc.	\$4,171.72	Sand
	\$3,774.79	
12. Tire Buys	\$3,955.70	Tires
13. Town of Kent Municipal Repairs	\$5,100.73	Chargebacks: Police
	\$17,701.03	Chargebacks: Highway Nov
	\$17,547.36	Chargebacks: Highway Dec
14. Windstream	\$3,108.51	Telephone Service
In the amount of \$143,564.50 and		

Voucher #27286 - #27437 and claims submitted by:

2014 VOUCHERS

1. Broadview Networks	\$2,441.27	Telephone Service
2. Cargill, Inc.	\$13,088.63	Salt
	\$4,918.15	
	\$17,862.72	
	\$24,566.65	
3. City Carting	\$5,251.03	Lake Carmel Garbage
	\$4,123.23	
4. Global Montello Group Corp.	\$6,345.73	Diesel
5. Richard Harris	\$3,377.50	IT Support
6. KVS Information Systems, Inc.	\$5,820.00	Annual Software Support
7. Mobiletec International	\$31,944.00	Annual Maintenance
8. NYCOMCO	\$2,604.00	2-Way Radios: Police
9. NYS Dept of Civil Service	\$168,644.16	February Health Insurance
10. NYSEG	\$2,633.39	Electric: Town Hall
	\$3,052.87	Electric: Highway Dept.
11. Purchase Power	\$2,000.00	Postage
12. Thalle Industries, Inc.	\$8,455.95	Sand
13. Tire Buys	\$2,718.37	Tires

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In the amount of \$1,576,627.10

May be paid

Roll Call

Councilman Denbaum – recuse himself Councilwoman Osborn – aye

Councilman Huestis – aye Councilman Tierney – aye

Supervisor Fleming – aye

Motion carried

Resolution #81 - Appoint Jessica Jarrett as Deputy Receiver of Taxes

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: Jessica Jarrett was appointed as Deputy Receiver of Taxes.

Motion carried unanimously

Resolution #82 – Reappoint Anne C. Balant-Campbell as a Member to CAC

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: Anne C. Balant-Campbell was re-appointed to the Kent CAC for a 5 year term ending on 12/31/2018.

Motion carried unanimously.

Resolution #83 - Reappoint Dave Ehnebuske to the Kent CAC

On a motion by Councilman Tierney

Seconded by Councilwoman Osborn

Resolved: Dave Ehnebuske was re-appointed to the Kent CAC for a 5 year term ending on 12/31/2018.

Motion carried unanimously

Resolution #84 - Reappoint Bill Buck to the Kent CAC

On a motion by Councilman Tierney

Seconded by Councilwoman Osborn

Resolved: Bill Buck was re-appointed to the Kent CAC for a 5 year term ending on 12/31/2018.

Motion carried unanimously

Resolution #85 - Rescind Resolution #428/2013

On a motion by Councilman Tierney

Seconded by Councilman Denbaum

Resolved: Resolution #428/2013 was rescinded.

Motion carried unanimously

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Resolution #86 - Release Erosion Control Bond for Nancy & Gary Kroell TM#9-1-60

On a motion by Councilman Tierney

Seconded by Councilman Huestis

Resolved: Upon the recommendation of the Kent Planning Board the Erosion Control Bond for Nancy & Gary Kroell, TM#9-1-60 in the amount of \$4,330.00 may be released.

Motion carried unanimously

Resolution #87 – Release Escrow for Erosion Control for Nancy & Gary Kroell TM#9-1-60

On a motion by Councilman Tierney

Seconded by Councilman Huestis

Resolved: Upon the recommendation of the Kent Planning Board the escrow for the Erosion Control Bond for Nancy & Gary Kroell, TM#9-1-60 in the amount of \$798.20 may be released.

Motion carried unanimously

Resolution #88 - Authorize Town Counsel to Settle Tax Certiorari - Bakall

On a motion by Councilwoman Osborn

Seconded by Councilman Huestis

Resolved:

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WHEREAS, tax certiorari proceedings were brought on behalf of CONSTANCE E. BAKALL, for the tax years 2012 and 2013 affecting certain parcels of real property designated as East Mountain Road, Town of Kent, and designated as Tax Map #8.-1-1.1 and Tax Map # 8.-1-1.2, on the Official Assessment Map of the Town of Kent; and

WHEREAS, the parties have agreed to settle the tax certiorari proceedings in accordance with the attached Consent Judgment prepared by HUBERT J. BRANDT, ESQ., attorney for the Petitioner; and

WHEREAS, the Town Board of the Town of Kent wishes to authorize its town counsel, Timothy J. Curtiss, Esq., to sign said Consent Judgment on behalf of the Town of Kent; and

WHEREAS, the Town Board of the Town of Kent further wishes to authorize the Supervisor to seek financing, if necessary, to pay the judgment after entry and in accordance with said Order, at an interest rate not to exceed Three Percent (3%);

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes its counsel, Timothy J. Curtiss, Esq., to sign the Consent Judgment on behalf of the Town of Kent; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Supervisor to seek financing, if necessary, to pay the judgment obtained by Petitioner at an interest rate not to exceed Three Percent (3%).

Motion carried unanimously

Resolution #89 – Advertise Stormwater Management Committee Vacancies

On a motion by Councilwoman Osborn

Seconded by Supervisor Fleming

Resolved: The Town Clerk is authorized to advertise for vacancies on the Stormwater Management Committee.

Motion carried unanimously

Resolution #90 – Lake Carmel Park District Committee Vacancies

On a motion by Councilwoman Osborn

Seconded by Councilman Huestis

Resolved: The Town Clerk is authorized to advertise for Lake Carmel Park District Committee vacancies.

Motion carried unanimously

Resolution #91- Authorize Kent Library to Use Courtroom – 2/1/14 and 6/7/14

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

WHEREAS, the Town of Kent Public Library is requesting permission to host a Family Trivia Event as part of the Library's 50th Anniversary Celebration on February 1, 2014 beginning at 1:30 p.m. and ending at 3:30 p.m. at the Town of Kent Town Hall; and

WHEREAS, the Town of Kent Public Library is requesting use of the Town Hall for the Family Trivia Event from 1:30 p.m. to 3:30 p.m. to set up and clean up, the event will occur from 2:00 p.m. to 3:00 p.m.; and

WHEREAS, Town Board of the Town of Kent has the facilities to host a Family Trivia Event and the Town Board wishes to cooperate with the Town of Kent Public Library; and

WHEREAS, the Town of Kent Public Library is also requesting permission to host a "Grand Finale" event on June 7, 2014 beginning 9:00 a.m. and ending at 3:00 p.m., the event will occur on the Town Hall Complex Campus with a tent, inflatable fun house, inflatable basketball game and inflatable Kid Korner obstacle course on the west side of the town green area between the Library, Town Hall and Police Station; and

WHEREAS, the Town of Kent Public Library has agreed to add the Town of Kent as an additional insured on its liability insurance policy for these events and further agrees to execute a hold harmless clause holding the Town of Kent harmless for any liability incurred in connection with these events and will provide the Town Clerk with a Certificate of Insurance naming the Town of Kent as an additional insured on their liability insurance policy prior to the event occurring.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Town of Kent Public Library permission to host a Family Trivia Event as part of the Library's 50th Anniversary Celebration on February 1, 2014 from 1:30 p.m. to 3:00 p.m. at the Town of Kent Town Hall; and

BE IT FURTHER RESOLVED, that Town Board of the Town of Kent hereby authorizes the Town of Kent Public Library permission to host a "Grand Finale" event on June 7, 2014 at 9:00 a.m. to 3:00 p.m. on the Town of Kent Town Hall Complex Campus.

Motion carried unanimously

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Resolution #92- Authorize Supervisor to Submit Dam Safety Certification

On a motion by Councilman Denbaum

Seconded by Councilman Huestis

Resolved: Supervisor Fleming is authorized to submit the Dam Safety Certification.

Motion carried unanimously

Resolution #93 - Advertise for Public Hearing on DEP Access Permit

On a motion by Councilman Denbaum

Seconded by Councilman Huestis

Resolved: The Town Clerk may advertise for Public Hearing on DEP's proposal to open 316 acre Boyd Corners South Unit for hunting and hiking on Tuesday, February 25, 2014 at 7:00 p.m.

Motion carried unanimously

Resolution #94 – Add to Agenda – Set a Date for Public Hearing

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolution: Introduce LL#1/2014 and advertise for public hearing was added to the agenda.

Motion carried unanimously

Resolution #95 - Introduce LL#1/2014 “Off Street Parking”

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

WHEREAS, certain amendments to Section 77.38 of the Kent Code entitled “Off Street Parking” are to be introduced before the Town Board of the Town of Kent as Local Law No. 1 of 2014; and

WHEREAS, a public hearing will be held on February 25, 2014 upon notice duly published and posted; and

WHEREAS, a public discussion will be heard at such hearing concerning the merits of said introductory local law; and

WHEREAS, the Town Board of the Town of Kent wishes to amend Section 77.38 of the Kent Code entitled “Off Street Parking” in accordance with the attached; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby wishes to adopt Local Law No. 1 of 2014 amending Section 77.38 of the Kent Code entitled “Off Street Parking” in the form and manner as provided in the attached; and

BE IT FURTHER RESOLVED, that Local Law No. 1 of 2014 of the Town of Kent is hereby enacted by the Town Board of the Town of Kent as Local Law No. 1 of 2014 of the Town of Kent; and

BE IT FURTHER RESOLVED, that this local law shall take effect immediately upon filing with this State's Secretary of State.

Motion carried unanimously

§77.00 ZONING

§ 77-38. Off-street parking.

Off-street parking spaces, open or enclosed, shall be subject to the following requirements:

- A. Parking requirements. Accessory off-street parking spaces, open or enclosed, shall be provided for any use as specified herein, and all spaces proposed to be provided and the number thereof shall be identified clearly on the site plan. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these parking regulations. Reasonable and appropriate off-street parking requirements for structures and uses which do not fall within the categories listed herein shall be determined by the Planning Board upon consideration of all factors entering into the parking needs of each such use.
- B. Areas computed as parking spaces. Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport or other area available for parking, other than a street or a driveway. However, a driveway within a required front yard for a one- or two-family dwelling may count as one parking space.
- C. Size of spaces. Except as provided hereinafter, each parking space shall be a minimum of nine feet wide by 20 feet deep and shall be served by an aisle not less than 22 feet wide. Where parking is arranged back to back, each parking space may share a common backup space. Entrance and exit lanes shall not be computed as parking space, except for driveways for one- and two-family dwellings, as set forth in Subsection **B** above.

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- D. Prohibited parking.
- (1) Except where specifically permitted, parking in the required front yard shall be prohibited.
- (2) **No construction vehicles or construction equipment may be parked in any lot in a residential district and not more than one commercial vehicle, provided that no such vehicle shall have more than a four-wheel chassis, and provided further that no part of such parked vehicle shall project near to the street line than a line parallel thereto drawn through the point where the principal building is nearest to the street.**
- (3) In any residential district, unlicensed vehicles may be parked for a period of not to exceed 60 days, provided that no part of such parked vehicles shall project nearer to the street line than a line parallel thereto drawn through the point where the principal building is nearest to the street.
- (4) In any district, no vehicles, trailers, portable signs, or any device capable of being or designed to be towed by a vehicle shall be parked on a lawn or landscaped area in a front or side yard, unless specifically approved by the Planning Board.
- E. Access. Unobstructed access to all parking areas shall be provided to and from a street. Such access shall consist of at least one ten-foot wide lane for parking areas with less than 20 spaces, and at least two ten-foot wide lanes for parking areas with 20 spaces or more. No entrance or exit for any off-street parking area with a capacity of more than four spaces shall be located within 50 feet of any street intersection, nor exceed a grade in excess of 6% within 25 feet of any street line, nor 10% of any other point.
- F. Drainage and surfacing. All parking areas shall be properly drained, and all such areas, except for parking spaces accessory to a one- or two-family dwelling, shall be provided with a dustless surface. The maximum slope of a parking area shall not exceed 5%.
- G. Combined spaces. When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the full extent. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is or are not in operation, the Planning Board may reduce the total parking requirement to an amount which, in its judgment, will prevent frequent parking on the street by persons working on or visiting the premises.
- H. Enclosed facilities. Required parking areas may be constructed within or under any portion of a principal building.
- I. Location and ownership. Required accessory parking spaces, open or enclosed, shall be provided upon the same lot as the use to which they are accessory, or elsewhere if in a C Commercial or IOC District, provided that in such instances no required spaces shall be located farther than 200 feet walking distance of such lot. In no event shall such parking spaces be located in any residence district unless either the use to which the spaces are accessory is permitted in such residence districts or upon approval by the Planning Board. Such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restrictions, approved by the Planning Board, binding the owner and his heirs and assigns to maintain the required number of spaces available either throughout the existence of the use to which they are accessory or until such spaces are provided elsewhere, in a location and manner acceptable to the Planning Board.
- J. Waiver of required spaces. Upon determination by the Planning Board that the required number of parking spaces would be greatly in excess of the immediate needs expected to be generated by a particular use on a particular lot, the Board may waive the requirement that such spaces be paved to the extent that it may deem the number required to exceed the actual need therefore, provided that:
- (1) At any future date, the Planning Board may require the paving of all or a portion of the spaces subject to such waiver, in the event that it finds that the parking of cars connected with or visiting the particular use on the lot at any time takes place on the street consistently and in appreciable numbers.
- (2) The portion of the required parking area that is not paved shall meet all other requirements and shall be planted and permanently maintained with a hardy grass cover.
- K. Not more than one garage or parking space on a single-family lot may be rented to a person not residing on the same lot.
- L. There is no limitation on the number of agricultural vehicles permitted accessory to farm use.
- M. The storage of not more than one camping trailer and not more than one boat is permitted, provided that no such trailer or boat is stored within a required front yard setback.
- N. Minimum parking requirements.
- (1) Residential uses.

Use	Minimum Parking (spaces)
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Use	Minimum Parking (spaces)
One-family; two-family residences	2 per dwelling unit
Multifamily dwelling	1 for each studio or efficiency apartment, 1.5 for each one-bedroom apartment, 2.0 for each two-bedroom or larger apartment, plus an additional 10% of the total required spaces for visitor parking

(2) Nonresidential, commercial, industrial, and office uses. The Planning Board shall determine parking requirements for all nonresidential, commercial, industrial, and office uses utilizing the chart below as a guideline. The Planning Board's determination of the minimum required number of parking spaces for any use shall include all spaces required by state law to serve handicapped persons. In addition, the Planning Board shall consider the peak parking demand for any use or combination of uses which shall also include consideration for snow storage areas. For any public assembly or restaurant use where a maximum occupancy figure is posted by the Building Inspector or the Fire Inspector, one space shall be provided for every four persons up to the posted maximum occupancy.

Use	Minimum Parking (spaces)
Professional office in a residence	3 per office or 2 for each professional maintaining office hours for consultation, whichever is greater, in addition to that required for the residential use
Home occupation	As determined by the Planning Board
Office building, other than medical or dental offices	1 for each 300 square feet of gross floor area
Medical or dental offices	For each 200 square feet of gross floor area
Theater	1 for each 3 seats or 1 for each 100 square feet of gross floor area, whichever is greater
Bank or post office	10 or 1 for each 100 square feet of gross floor area or 3 for each teller, whichever is greater
Hotel or motel	1.25 per rental unit
Retail sales and personal service establishment	1 for each 200 square feet of gross floor area
Motor vehicle sales	10 or 1 for each 200 square feet of sales area, whichever is greater
Gas stations or commercial garages	1 for each 100 square feet of gross floor area
Restaurants and drinking establishments	1 for each 4 seats or 1 for each 100 square feet of gross floor area, whichever is greater
Quick-service establishments	1 for each 50 square feet of gross floor area
Bowling alleys	5 per lane
Indoor or outdoor tennis	5 per court
Other commercial recreation	Determined by the Planning Board
Dry cleaning or hand laundry	1 for each 100 square feet of gross floor area
Nursery or sale of agricultural products	Determined by the Planning Board
Funeral home	1 for each 3 seats provided therein or 1 for each 60 square feet of space available for public use, whichever is greater

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- (3) All other uses not mentioned or variations of above uses shall be as determined by the Planning Board.

All remaining Sections of Chapter 77 shall remain in full force and effect.

Public Comments

Supervisor Fleming stated there were problems with the cable station they are trying to run more content on the station. They have a runner on the screen, if you want to receive a copy of the Town Board Agenda emailed to you, please contact them at supervisor@townofkentny.gov.

Also, they are also trying to get the TV station friendly to the eye. She asked if anyone has pictures of Kent or Town of Kent events please send to supervisor@townofkentny.gov. They'll have IT upload it as background hopefully we'll have them changed through the seasons so we can enjoy pictures of our Town.

Deputy Supervisor Huestis stated we all need to work together. In the last few years a situation where a con-artist makes phone calls to vulnerable elderly he's upset because this con-artist took someone for \$2,000.00. They will call and say things like your grandson is stuck someplace (Dominican Republic) and need money right now to get him out of the country. The interesting thing is they find out the name and personal information. Please help get the word out. Recently someone was contacted and the woman was home in Mahopac. He asked to beware of strangers knocking at the door also. The last one was referred to the Kent PD but the money is gone. We have to stop it so get the word out. He told another situation where 2 guys pulled up a long driveway and said, you have a problem in your front lawn. The lady about 85 year's old walks out of the house to look and the second guy goes in the house. We have to work together.

Councilwoman Osborn stated we lost an icon the late Pete Seeger, she wished he move into the spirit world with all the grace that he has. The Nimham Singers were fortunate enough to drum and sing with him last spring at a Pow Wow. She added he will be sorely missed and what a wonderful man he was for Putnam County and the environment.

Resolution #96 – Adjournment

On the motion of Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: The Town Board meeting of January 28, 2014 adjourned at 9:06 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli
Town Clerk