

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

**Resolution #110 - Public Hearing – DEP Property**

On the motion of Supervisor Fleming

Seconded by Councilwoman Osborn

Resolution: Public Hearing regarding the NYC Parcel Id Nos: Pre-MOA, 81 & 3026 described NYS Route 301, Kittridge Drive, Barrett Hill Road and Peekskill Hollow Road in the Town of Kent, see copy of map attached is opened.

Supervisor Fleming introduced Section Chief, Paul Lenz of the NYS DEP Natural Resources Division Bureau of Water Supply who will be making a presentation. Supervisor Fleming read the letter dated November 20, 2013, see attached copy.

Paul Lenz spoke stating as the letter said the State is interested in expanding recreational opportunities for all the land they own. This property was purchased in 1998 and has been closed to recreation. In 1998 they reached out to the Town, DEC and the East of Hudson Sporting Advisory Committee that committee was formed as part of the 1997 MOA with the local communities. The Committee and DEC recommended the land be opened. The Town at the time did not want it opened, their recreational program at that point was fairly new and took a conservative approach and did not open it. Since then they have opened much more land throughout both the east of Hudson and west of Hudson watershed. They have had great success and very few incidents of hunter/user conflicts so it has been successful. The chances are, DEP is not going to be buying very much land in the Town of Kent they went through the portfolio, saw the property and offered it to the Town and residents of Putnam County to see if it's something they would want opened. The letter went to the Town and asked that the Town reply and so here we are. He said for them, they do not have strong feelings either way. They want to try and accommodate recreational uses and work with the Towns. If the Towns feel it's beneficial to their tourism, local economy, recreational use, if it fits in with their master plan and so forth that would be fine. They would like to see deer hunting on this land because of the high deer population. A few years ago, they did a forest management plan with the US Forest Service and there was an inventory of all city lands and this particular piece of land had a very high deer browse so there is very little forest regeneration on this property. They feel good forestry generation is very important to maintain high water quality. He feels that anyone who lives in the area know there are lots of deer running around and that hunting is the major tool to reduce deer population. They looked at the lay of the land, it is 316 acres and there are areas that the public can access, selected spots not all over they feel there is enough there and houses along it, he referred to the map (map is available for viewing at the Town Clerk's Office) for a better view of where the roads and houses are. DEC Regulations do not allow the discharge of firearms within 500 feet of an occupied dwelling that is the State set back. There are options he stated, referring to the letter, it could be opened for hunting and hiking, the Town may just want to open to hiking or may not want it opened at all that is the choice of the Town they would ask the Town pass a resolution to that affect and they would, probably, never revisit the issue again unless asked. Another option if folks are concerned about discharge of shotguns that we open it for bow hunting only there are different things the Town may choose to do. He asked if there are any questions.

Mary Debourbon lives on Barrett Hill asked if there is a pull off that belongs to the City between the wooden bridge and the Gibbons property line, showing him on the map. She asked if that is one of the places where there would be parking allowed. Paul Lenz stated that it would be where ever somebody could pull off the road and find room enough to park on public road.

Nick Monteleone, a resident of Sedgewick, asked what the access points are through the hunting property. Mr. Lenz stated the access points are where ever people can pull off; there will be no designated pull over areas or parking spots. Nick Monteleone said that is vague and knows there is a power authority line that runs the length of 301 and Golf Ridge Road to the back of homeowner properties that parallel the golf course. That means the only access that you're inviting would be within their community. He asked what the areas are and Mr. Lenz said it is along 301 and that the power authority line is an easement and

that the State owns underlying fee. It is just an easement that the power company has so they can walk under it.

He pointed out clips along it and areas they can park on the other side the Town can consider are there adequate parking for people to pull off. John Sparano, a resident of Richardsville Road, stated in addressing Mr. Monteleone's concern there are numerous parking locations along 301 which has been designated for fishing over the years. There is also, referring to the map, an area where the Clearwater School is at the base of 301 numerous parking areas which is prior to the access point to Sedgewick Club which would be the Sedgewick Club bridge referring to the map, and will no way interfere with their areas and as far as access there along 301 the comments about cliffs is correct and difficult to access but there are numerous access points as there are along Peekskill Hollow Road. In terms of Sedgewick Club residents concerns about there being no access except through Sedgewick Club is incorrect. The Town should allow hunting in these areas he said there are numerous deer in the area not just from DEP's concern for browse but from the citizens concerns. He has personally wrecked his car on 301 hitting a deer by Boyd's Corner. The population there for deer is way higher than the allocated recommendation is by the State not just from the hunting stand point for the City's point of view but also for the safety of the residents of the Town of Kent. Hunting should be allowed there. Todd Baney a resident of Sedgewick Club, referred to the map his home, even though there are limits around the area where a hunter can discharge a gun, he is very concerned about riffles being shot, specially where he lives. He is opposed to discharge of guns in any areas around here. He pointed out houses along an area; a playground where children play even though there might be a setback for the discharge of guns it would be very concerning for them given the proximity of their homes to that area. Councilman Denbaum asked him if he would be opposed to hiking and bow hunting. Tod stated that hiking would be a good use for the area and a good alternative; bow hunting seems safer than a shotgun.

Doug Koberger, a resident of Peekskill Hollow Road, pointed to his home on the map, he has lived in the house since 1966 and has hunted this land and knows every inch of this land better than DEP does. There are not the number of deer that used to be there. He wanted the Board to make aware he was a County Legislature for 2 terms and Chairman of the Environmental Committee. He and Jim Gordon, now deceased, and the Planning Dept. negotiated the Watershed Agreement and sat on the East of Hudson Sporting Advisory Board. The one thing missing is the parking area, safety and water quality issues. If the Town decides to put a road in there or parking, Peekskill Hollow Road is a County road and as such requires 200 hundred feet line of site in both directions, we don't have it safely he said with the 45 mile per hour speed limit and the trucks. He added he was Chairman of the Kent Planning Board for 13 years when they wanted to develop that parcel into condominiums the Board and he knocked down and that major issue was access. The only access was of the bridge which has been replaced, the City owns the bridge. To answer Mary Debourbon's comment, as you cross the bridge there's a little pull off on the right to park. There are safety and water quality issues when he was on the Board there was no stronger advocate for opening hunting land than himself, Jim Gordon and Dennis from Mahopac; they tried to get this parcel opened because it was opening on the other side of the hill towards Lockwood Pond they were not successful for one this area was declared to be in the red zone, from top of the hill where the old dump heading over where the power lines cut in the corner and goes down Peekskill Hollow Road. All the land slopes to the reservoir. The City made it very plain anything in the red zone would not be discussed because it was a water quality issue. They were concerned about lead from the shot, lead from small game hunting, they were even concerned about over the passages of time and they were concerned about foot travel. They wanted nothing to go towards the reservoir, that's the red zone. He respectfully suggest we go back and look at the history of the red zone which told them they could not discuss that piece and that piece would be forever close. The other side of the hill at the dump and at the power line, the water flows towards the Peekskill watershed towards the Taconic Parkway and that was okay but the Town's own history will tell that DEP was very strongly against anything happening on land in the red zone. His major point is the red zone.

Mary Debourbon stated the City's concern with adequate recreation space is commendable and appreciative but looking at their website she sees about 3,000 acres has been opened

in Kent and at Fahnestock Park about 14,000 acres just down the road she feels the Town is one of the most well recreated towns in the State. From her point of view, opening up parcel on Barrett Lake has created a real nuisance. There are altering vehicles paths and dirt bike paths people use all summer long the noise she finds annoying. She called the police a couple of times and thinks it's going to be a nuisance to all of us and not just to those who lives in the Town. People will call the Police not the DEP. She cautions opening this property and is against it.

Sandy Kaufman, lives at 136 Kittsridge Drive, stated she is very concern about anyone hunting in the area so close to people's residences it's terrifying to think somebody is nearby with a gun presumably it would be someone with a lot of experience and who knows the area but it seemed like the information she was getting show people younger than the average hunter that she would expect who would be entitled to hunt. With regard to the map, she wonders if the people who are coming on to that area to hunt whether they will know the area enough or are they going to be given maps to show them where they are able to go and stay on those area and not get lost and just be wondering around. Paul Lenz stated they have recreational maps on their website; it does not show where the houses are just blocks on the maps to show where the houses are but will know the general area.

Naomi Wolfonson, 13 China Road, stated she has lived there since 1970 and knows the Sedgewood woods very well having grown up in them and a little bit of demographic of homes there and not just the playground. There are a significant number of children in all the homes from infant to age 12, although times have change with lime disease preventing us from running in the woods, they have found arrows in their property so whether it's legal or not they do not know the boundaries. Just walking on the road there are significant issues with speeding cars you can really hardly walk safely through cutting back from Mahopac to Kent. The traffic issue and the liter issue are significant she knows it is not the residences who are throwing bottles out their windows which end up in the watershed its revolting. She feels very strongly this would have serious affect; being a hiker herself and using Fahnestock with great pleasure it is not a crowded park. She agrees that there is significant recreation land.

Elizabeth Debourbon, 26 Barrett Circle Court, asked Mr. Lenz to describe some of the hunter incidents/conflicts between hunters and other people regarding other lands that they've opened up. Mr. Lenz said the few instances where there are multiple uses there might be hikers and hunters that run into each other, the hikers feel threatened or afraid. Ms. Debourbon asked if there has been any injury, Mr. Lenz replied no. He said it's similar to what happens on state land or any multiple use properties. Ms. Debourbon asked who would enforce; she realizes this would be allowed by permit. Mr. Lenz stated they would ask for them to call DEP Police. He noted the Town, Sheriff or DEP Environmental Officers can enforce Environmental Conservation Law violations but DEC permits is left up to DEP Police. Ms. Debourbon referring to the map, this road is one that a lot of people walk on not necessarily wearing orange vests. She sees a potential for conflict and thinks it's a bad idea.

Howard Kaufman spoke, lives on Kittsridge Road, and is a Board member of the Sedgewick Club Associates which is a group that has about 80-90 homeowners as members they also own quite a bit of land in this vicinity like the golf course, lake and so forth. They sent along a resolution that the Board adopted opposing opening the land to hunting. They was a unanimously feeling on the Board and spoke to some of their residence some of which are here tonight he stated further everyone they spoke to is against it. They do feel hiking is not a dangerous activity the only concern is where would the parking be. They want to express their strong opposition to opening this land to hunting including bow hunting. He added there was an experiment several years ago where the Board reached an agreement with a bow hunting group there was a tightly prescribed number of days they can come out and try some thinning of the deer population it caused a tremendous conflict within the community. There were some people extremely angry that the Board even considered the limited effort in that regard and it was a complete failure in terms of deer thinning. He thinks the one or two deer were taken. They agree there is too many deer at their property but they are very frightened with all the families that live in Sedgewick Club to open it up for hunting legally within 500 feet of homes they know bullets can travel up to a mile or more. It is simply not protective of the potential for accidents people are concerned about.

Arthur Singer stated there is a stream running along Kittsridge which is a center barrier. Should they decide to put in parking they will run into issues like wetlands and the local regulations of the Town of Kent, referring to the map, there was a small parking area and the old Carmel Country Club which if you open up the land would be a perfect spot for DEP sponsored pot parties, it is going to be an impact on our Police Dept. not the DEP Police.

Sheila Unity lives a little outside of this zone in the Sedgewick Club on Barrett Circle West .2 mile off of Kittredge Drive, She didn't know about the red zone. They have a very strong homeowners association and they police their community largely through great volunteerism. Anybody who moves in their community gets welcomed they get a booklet she herself produced with a group of people, that talks about the health of their lake and what they try to do to keep the community safe, they don't have motorboats on their lake when they hear people coming in their motorcycle and ending up in Barrett Lake is appalling to her because you can go into their lakes and there is no oil scum, try that anywhere else where motorboat is allowed. They spent enormous amount of money getting invasive species out of our lake, over \$100,000 over the years. Everybody in the community is focused on keeping this as natural and as clean as possible and work hard at it. They have a litter pick up a couple of times a year. They push the Recycling Center. They advertise medication take back day. They do everything they can to keep from fouling the land they live on. She walks up and down Kittsridge Drive with her dog and she hates to think she has to put on orange clothes to do that. She knows hunting goes on year round and the thought of a gun so close to someone's home is scary as hell. In spite of all the work they do they have trespassers all the time. They own Lake Front and have a dock on the lake almost every weekend they go down to the lake in the summer they find fishing lines and hooks on their dock that they didn't put there. They actually have a community guideline if you see someone you do not recognize you should ask them if they are lost and need help and are they in the Sedgewick Club because they are a member of the Golf or Tennis Club. She finds junk on the road all the time and she brings a garbage bag with her when she walks with her dog. To try so hard to keep a community safe and clean and to see this kind of stuff happening and you can talk all you want about parking spaces, ask the people who plow the roads of Kent about their road because it has become so narrow over the winter. Their private snowplow notified them that if it snows anymore they would have to bring a truck to take the snow elsewhere. You can talk about parking all you want but people are going to come in and they are going to park on the side of the road and people's driveways. People know a lot of people who lives at Sedgewick are weekend people, probably a third of the people live there full time so people go there and think they can get away with. This is just going to make it worst.

Larry Feldman stated that he has been asked to represent and speak for the 90 homeowners at the China Barrett Homeowners Association. Of all the people, they polled are opposed to this recommendation mainly for safety reason. He said it was mentioned there is a 500 foot setback from any property line that hunters are not supposed to cross. Mr. Lenz stated it is 500 feet from an occupied dwelling. Mr. Feldman cited the Wikipedia about the frequently used .22 caliber rifle. He said that 500 feet from a home would not do anybody in that home any good. The other consideration they have at the boathouse public beach area there is a playground that is used 6 to 8 months of the year including part of the hunting season in the fall and winter. They have events, in the beginning of next hunting season there will be a wedding at the boathouse where 200 people are expected to attend. He would hate for them to be hunting deer with 200 people milling around the boathouse. They are extremely concerned for their safety. They hope the Board would take their safety in consideration. They understand the problem with the deer, they live with the deer but they consider their safety more important than the deer.

Raphael Haddock spoke stating he lives at 857 Golf Ridge Road which is at the top, referring to the map. He has 2 kids his 12 year old son brakes the rule all the time, behind his house up the hill, still on his property which is the highest point of the land, if he is to walk 100 yards into the road he is open to significant area especially if you go to the ballistic measuring which was just raised, he is very opposed to this. It doesn't really make sense. He doesn't mind hunting having grown up in rural New Hampshire but on vast tracks of land. This land is not vast. There are some deer and turkey in there but he really

doesn't want people with guns or bow there. He doesn't want to have to think about this with his children. It appear like a vast of land but it's not it's a hill. He never heard of it called the red zone. DEP told him they are going to take the dump away in his backyard a quarter mile back.

Pete Mastebuno understands all the concerns about hunting. It doesn't warrant that because the simple reason, Putnam County is the safest in the whole county for any kind of accidents with guns or bows or hunting, more people break their legs from hiking. The houses around this piece of property are just around the property, most of these people are talking about the properties inside of the hunting area. It should be manage, hunted, hiked and everything. People are talking about bullets and such that is part of life it's going to happen. There have been no hunting accidents on any of the DEP properties in thousands of acres. With regard to parking, how many people a day do you think is going to access this piece of property, 10-15 people the most. There won't be a traffic problem as far as he's concerned it should be open. The youth doesn't know about the land because they are not out there so if there is an opportunity to walk it, it would be a better deal.

Greg Almond stated he is an Emergency Physician as is Todd and he would like to comment on Larry's ballistic lecturing and validating, it's very accurate. He deals with at least one gunshot wound patient a month in his practice it's devastating. He grew up with guns, he's from the South his whole family are hunters but we can't blur the fact this is very dangerous situation. His house is in the middle of the square, referring to the map, he has 5 acres but they could come within 500 feet of his house and it doesn't make any sense. He doesn't see any angles where he will feel safe. A rifle can go at least a mile.

Glen Shaffer a Putnam County resident and representative of the East of Hudson Sporting Advisory Committee. He wanted to make one point worthy of consideration because hunting with rifles is illegal in Putnam County the talk is about arms and ammunition that would not come into play.

Councilman Huestis thank all for coming and for clarifying the guns he thinks it is shotgun in Putnam County. He has concerns about parking. If they go up Kittridge Road they can just pull over, park and go hunting into the property. Mr. Lenz said if it is a public road. Councilman Huestis said it's a private road so it poses a negative. He is interested about the amount of acreages in the Kent or surrounding, where do they allow DEP hunting. How much acres of land is there hunting, in some of those areas have built parking. Mr. Lenz stated there is about 4,000 acres open, total acreage open for recreation is 3,900 and you can hunt, hike and fish in about 1,400 acres of that it's mostly all open for hunting. Councilman Huestis asked if he has a map showing the houses. Mr. Lenz referred to the map and said there are some houses on it. He asked Mr. Lenz if he can provide more information about the red zone. Mr. Lenz never heard of the red zone and there have been a lot of changes over DEP in the last 10-15 years like recreational boating by opening more land. They didn't think that would happen. They are satisfied there is no quality issue with lead, lead from bullets or foot traffic, they have been trying to open trails they have working with the Putnam County Land Trust to open a walking trail along diverting reservoirs. They opened a trail in Lake Gleneida. They have changed and have seen no negative impacts from recreational use of the land. He is not familiar with the red zone. Councilman Huestis said he mentioned 500 foot borders as far as someone can hunt. Mr. Lenz said NYS Environmental Conservation law states you cannot discharge within 500 feet of an occupied dwelling it's not property line. Mr. Huestis asked about hunting from a road. Mr. Lenz believes you can shoot off the road. A resident said that is incorrect you must be a certain amount of feet into the woods to hunt. Mr. Lenz mentioned if it's opened for hunting per NYS DEC Regulations; small game generally opens October 1<sup>st</sup> such as rabbits, grouse and bowhunting for deer and that runs until February 28<sup>th</sup>. Deer season for bow is October 1<sup>st</sup> until roughly December 15<sup>th</sup> and that is when you will get most of the pressure from deer hunter from this property. Councilman Huestis inquired about problems in the 3,000 acres in Kent that you allow hunting. Mr. Lenz said once in a while people will have issues with hunters walking close to their property. Councilwoman Osborn asked about the homes with big tracks of property. She asked is there any horses. A resident replied no, lots of dogs and children. Councilman Denbaum stated they received a lot of emails about this issue from residents, some are here, and some of the concerns raised in the email are not

entirely accurate. In his research there is no hand gun hunting on the property in the southern tier of NY. While the DEP Regulations may allow it, hunting is regulated further by the State. There were concerns that a 12 year old can just print out a permit and hunt. None of those are accurate because the DEP regulates those properties like a homeowner would but it is the State law that regulates hunting. You cannot do whatever you want on your property hunting wise, you would still need to follow NYS hunting laws. There will be no handgun hunting and it's not just print off a DEC hunting permit. You will need a hunting permit. One of the emails states that hunting really close to his house with a 500 foot buffer he thinks that they need to further check into the availability using rifle. He thought it's only shotgun and bow and arrow. He mentioned there have been no hunting incidents in the Town of Kent while there have been a dozen calls over the last couple of years on various DEP properties like hearing gun shots there was no any injuries resulting from them. He said while this is a unique situation to a specific community, he is taking everything being said very seriously. If you look throughout Kent this situation is everywhere, it's on Horsepound Road, Lake Tibet, it's everywhere. There are DEP land surrounding and homes and playgrounds where hunting access is allow all throughout the Town of Kent. One of his major concerns is if we, as a Board, say no, we cannot have hunting here because of general safety concerns, we are actually fearful of the safety of the residents and the community like then he thinks it would incumbent upon us to revisit every property in the Town of Kent because if they really believe that hunting is this dangerous it will be not this parcel we will be voting on we would be making a safety statement contrary to every other parcel in the Town of Kent in Putnam County, in Sullivan County, Ulster County and throughout NYS. He is not saying he will vote to open this land but thinks this is not as unique a situation as it may be presented. It does go throughout the Town. Councilwoman Osborn inquired about bow hunting and asked if crossbows are permitted. Glen Shaffer stated crossbows are not legal arms in NYS right now. According to the proposed budget and legislation, crossbow hunting would become not in the discretion of the NYS Legislature but will become under the authority of the DEC which has express the desire to make crossbow a legal arm for hunting.

Supervisor Fleming announced they will be taking a couple more comments and will not be voting on this issue tonight to allow others to send it comments to the Board by email or regular mail and will be taken into consideration before any vote is taken.

Doug Koberger wanted to make corrections on the hand gun issue in the Putnam County on the southern tier of NY. Handgun hunting is allowed with a caliber larger than .22 caliber in NYS you are just not permitted to have a laser site. It is definitely permitted. It was not mentioned small game season is opened until February 28<sup>th</sup>. The difference between this parcel and other parcels everybody is discussing is the red zone. That's the whole issue. He suggested going back to 2003-2004 Minutes about red zone.

Howard Kaufman from the Sedgewick Club Board spoke again regarding the locations of houses, referring to the map, pointing to the boathouse, playground, golf course and houses. It is essential adjacent to these proposed hunting grounds and they think it's much too close where they live. For them, it's a unique situation these are their homes and for the folks who live next to the lands where hunting is allowed but this is not allowed now and there are other members of the community who has spoken to him, he has not researched this, but he was told that when DEP purchased these lands there were commitments made not to open it. That is not something he has in writing tonight but that is the institutional memory of other people who live in Sedgewick. He stated that if crossbow is made legal once this land is opened the additional weapons that could be made legal are really unknown. They children, pets, adults hiking and walking. They are very concern.

Supervisor Fleming stated that they will allow for public comments in writing by email to the Board through her office at [supervisor@townofkentny.gov](mailto:supervisor@townofkentny.gov) and it will be forwarded to all Board members or if you send a letter either to the Town Clerk or her. All Board members will be aware of all written comments received.

**Resolution #111 – Adjourn Public Hearing DEP Property**

On the motion Supervisor Fleming.

Seconded by Councilman Huestis.

Resolution: The Public Hearing will be adjourned for two weeks to receive written comments. Motion carried unanimously

Supervisor Fleming noted this will give them an opportunity to write their comments to the Board member prior to the March 18<sup>th</sup> meeting where the public hearing will be reopened to take a vote and make a decision. All comments will be considered.

**Resolution #112 - Public Hearing – Local Law #1 Off-Street Parking**

On the motion of Supervisor Fleming.

Seconded by Councilman Huestis

Resolution: Public Hearing on Local Law #1 was opened.

Motion carried unanimously

Supervisor Fleming read the proposed local law. Town Attorney, Tim Curtiss stated that there is still a little tweak on the commercial side but would like to someone speak on it.

Councilman Denbaum had a few quick comments. The first thing that stands out is there is no definition of construction vehicles and commercial vehicles and what was added here used to be no construction equipment or 1 commercial vehicle and now it's no construction vehicles or 1 commercial vehicle he is afraid what we are doing is blurring the line between commercial vehicles and construction vehicles. Commercial vehicles are regulated by DMV or some sort of commercial status but if you a vehicle that you use for construction company and it's a big pickup truck and you tow a trailer does that fall under construction vehicles or is it a commercial vehicle especially if it's registered under commercial vehicle. He thinks the addition of no construction vehicles without a further definition in the remainder of the zoning code is problematic. That is his technical reason for being concerned about the law and his theoretical reason is as you can see nobody here in the public comment period came up and said the public has been clamoring for this law, really need to change the law, he feels we're regulating for the sake of regulating. There was an internal government idea to change the zoning law, there is no citizen, resident or individual we need to change this for a reason a, b and c so we're restricting people property rights based on nobody being interested in having this change made. This theoretical opposition is we're changing the regulations to restrict some property rights and nobody in the Town is asking for this change, only the government. So he's slightly concerned when the government wants to change some of your property rights and nobody in the Town wants it or comes to the public hearing or sends him an email. With that said, he thinks there are technical concerns and theoretical concerns and he knows they won't be voting tonight based on public hearing rules. That is his fore shed of his opinion. Town Attorney Curtiss stated we do not have to pursue this; it's been the Code Officer's compliance observation and was asked to have a clarification if you feel that it's overly broad or too many regulations. Councilwoman Osborn asked if it's become a problem in the courts. Town Counsel said there were 2 or 3 cases where the issue got a little bit blurred the court requested Bill come up with a clearer definition. He's not sure they've achieved it, that was the whole idea. Supervisor Fleming stated that was the 4 wheel chassy language would address that issue. The current section of the zoning law she said talks about a 4 wheel vehicle so if you take 2 wheels of the vehicle does it become a 2 wheel vehicle. That was the major thrust of it she said, it is just to change a 4 wheel vehicle to 4 wheels chassy and the rest got added on. Supervisor Fleming suggested that this be tabled at this time.

**Resolution #113 – Adjourn Public Hearing on Local Law #1 – Off-Street Parking**

On the motion of Councilwoman Osborn.

Seconded by Councilman Huestis.

Resolution: Public Hearing on Local Law #1 concerning Off-Street Parking is adjourned.

Motion carried unanimously.

Workshop – The Board proceeded to discuss all the items on the workshop agenda.

**Salute to the Flag**

**Roll Call:**

Supervisor Fleming: Present  
Councilman Denbaum: Present  
Councilwoman Osborn: Present  
Councilman Huestis: Present  
Councilman Tierney: Absent

**Resolution #114 - Approval of Wetlands/Environmental Stormwater Consultant Pro Tem**

On the motion by Supervisor Fleming  
Seconded by Councilwoman Osborn  
Resolved: Wetlands/Environmental Stormwater Consultant is appointed pro tem.  
Motion carried.

**Resolution #115- Authorize Request for Proposals for Attorney for the Town**

On the motion by Supervisor Fleming  
Seconded by Councilman Huestis  
Resolved: Authorization is approved to request proposals for Town Attorney.  
Motion carried.

**Resolution #116- Authorize Request for Proposals for Town Prosecutor**

On the motion by Supervisor Fleming  
Seconded by Councilman Denbaum  
Resolved: Authorization is approved to request proposals for Town Prosecutor.  
Motion carried.

**Resolution #117 - Authorize Request for Proposals for Town Planner**

On the motion by Councilman Denbaum  
Seconded by Supervisor Fleming  
Resolved: Authorization is approved to request proposals for Town Planner.  
Motion carried.

**Resolution #118- Authorize Request for Proposals for Labor Attorney**

On the motion by Councilman Denbaum  
Seconded by Councilman Huestis  
Resolved: Authorization is approved to request proposals for Labor Attorney.  
Motion carried.

**Resolution #119- Authorize Request for Proposals for Planning Board Attorney**

On the motion by Councilman Denbaum  
Seconded by Supervisor Fleming  
Resolved: Authorization is approved to request proposals for Planning Board Attorney.  
Motion carried.

**Resolution #120- Authorize Request for Proposals for Planning Board Engineer**

On the motion by Councilman Denbaum  
Seconded by Supervisor Fleming  
Resolved: Authorization is approved to request proposals for Planning Board Engineer.  
Motion carried.

**Resolution#121- Authorize Request for Proposals for Human Resource Consultant**

On the motion by Councilman Denbaum  
Seconded by Councilman Huestis for Discussion

Supervisor Fleming stated she has made her feelings known at the last workshop. She thinks a Human Resource Consultant is not needed, she polled the other towns in Putnam County no other town has a line for a Human Resource Consultant. Most do it through the Confidential Assistant in the Supervisor's office and payroll office having trainings offered through the insurance company and Putnam County personnel office. Paul Elridge of Putnam County Personnel provided an extensive list of services for us at no cost to the town. She believes it's not necessary at this point for us to hire a Human Resources Consultant. Councilman Huestis stated he would like the town to prepare a process model as far as personnel services. Paul Eldridge has sent a letter to the Supervisor. He'd like to digest that and see if there are other gaps. We are trying to save money and if the county personnel which does a lot of things for the other towns and if there are other gaps we'll address them. That includes all the RFP's we are doing tonight is because the comptroller's office has encouraged us to do it, we got written up and need to do it. We'll look at each request and it includes this one. We'll look at that process model and the personnel director has offered total cooperation. And he believes years ago Sue O'Rourke was our assigned personnel

here and she is a senior veteran of county personnel and we'll work with her. Councilwoman Osborn stated that if in the future we find that maybe we do need one we can always revisit this. Supervisor Fleming stated absolutely. Councilman Denbaum stated that the budget line is approximately \$24,000 for the Human Resource expert so in theory you could have the town attorney with any issues that came up basically working four hours a week every week and you still would come under this budget. He doesn't think there is four hours of employee issues every week for our town attorney. So we can still do better with our own consultants, paying them more money. That's just another aspect of it.

Resolved: Authorization to request proposals for Human Resources Consultant.

Roll Call:

Councilman Denbaum: Nay

Councilman Huestis: Nay

Councilwoman Osborn: Nay

Councilman Tierney: Absent

Supervisor Fleming: Nay

Motion not carried

**Resolution #122- Approve Hiring of Ann McKinley as Lifeguard Supervisor for Lake Carmel Park District**

On the motion by Councilwoman Osborn

Seconded by Councilman Denbaum

Resolved: Ann McKinley is hired as Lifeguard Supervisor for Lake Carmel Park District.

Motion carried.

**Resolution#123- Permission for Supervisor to sign Release Agreement with Exxon Mobile Oil Corp. and accept \$28,840.66 Reimbursement**

On the Motion by Councilwoman Osborn

Seconded by Councilman Huestis

Resolved: Supervisor is authorized to sign a Release Agreement with Exxon Mobile Oil Corp. and accept \$28,840.66 reimbursement.

Supervisor Fleming stated this amount was represented in charge order #3 which the former town board adopted on December 17, 2013. Supervisor Fleming stated that in the change order it does specify that the amount is \$28,840.66 but in the minutes of the meeting in resolution #410 of December 17<sup>th</sup> it says the change order #3 is to be reimbursed by Exxon Mobile as well as the Engineering fees in the approximate amount of \$33,000 per DEC. Supervisor Fleming asked what the discrepancy was. Counsel Curtiss stated that what Jeff Contelmo told him was there was apparently \$21,000 in actual cost of Merritt Construction and then he guess the consultant fees to get the permitting done was the additional six or seven thousand dollars. He thought the \$33,000 was an approximate and it was an estimate but we haven't got a clarification of how that number crept into the December minutes. Supervisor Fleming stated that because in the change order it says \$28,000. Counsel Curtiss stated that the change order says \$28,000 and the break out is \$21,000 to the contractor and reimbursement of six or seven thousands in professional fees for the permits that were necessary to remove the soil. Supervisor Fleming stated that she is happy to take \$28,000 for the town.

Roll Call:

Councilman Denbaum: Aye

Councilman Huestis: Aye

Councilwoman Osborn: Aye

Councilman Tierney: Absent

Supervisor Fleming: Aye

Motion Carried.

**Resolution #124 - Permission for Supervisor to sign Easement Agreement with New York State Electric and Gas to install a riser poll at West Lakeshore Drive and Route 52**

On the Motion by Councilwoman Osborn

Seconded by Councilman Denbaum

Resolved: Supervisor is authorized to sign Easement Agreement with New York State Electric and Gas to install a riser poll at West Lakeshore Drive and Route 52

Motion carried.

**Resolution #125- Select Brokers to Quote Municipal Insurance**

On the motion by Councilman Huestis  
Seconded by Councilman Denbaum

Resolved: Spain Insurance Company and Salerno Insurance Company are selected brokers to quote municipal insurance for the Town of Kent.

Supervisor Fleming asked for a discussion. Counsel Curtiss stated he went through the three participants. Spain seemed to be qualified, Salerno seemed to be qualified. He did check with Salerno today because they didn't include their Errors and Omissions coverage. They did supply it to him later in the day. It was \$3 million, we currently have \$10 million but he doesn't think it's a big deal. He stated he couldn't really get any information for Brown and Brown. What bothered him about their qualifications was under land use they had a big question. This was a little concerning. He talked to them today and asked the agent to supply him with this information so he could bring it to the board and he hasn't heard anything back. They did not list any municipal clients in New York State. They listed clients in Texas; they listed clients from around the country but nothing locally in New York State. So he has some questions if they would really be qualified. Councilman Huestis asked Counsel Curtiss if it's true that Spain Insurance has exclusive rights to the NYMIR program. Counsel Curtiss stated that he has not confirmed that. He has a call into NYMIR up in Albany at that point in time to see if there any other agencies that could give us a quote. He should be able to give that to the board by Tuesday. Councilman Denbaum stated he received a correspondence from Spain, he guesses we are taking them for their own word but their official position to the board is that they are the exclusive. Counsel Curtiss stated that's what they provided to him too. He is going to get confirmation from NYMIR up in Albany. Councilman Denbaum stated we have two insurance companies. Counsel Curtiss stated we have Salerno and Spain suitable to give quotes. Supervisor Fleming stated she was contacted today by Neal Sullivan from the Sullivan Insurance Company in Mahopac and he was interested in submitting the questionnaire. She told him last Friday was the date. Her feeling is if he wants to submit the questionnaire and still submit within the time frame everyone is submitting she wouldn't have a problem. Councilman Denbaum stated in the theory we'd be approving these two companies to give us a quote and if Sullivan came forward with the questionnaire in the next day or two and we was vetted we could vote at the next meeting.

Roll Call:

Councilman Denbaum: Aye for Spain and Salerno  
Councilman Huestis: Aye  
Councilwoman Osborn: Aye  
Councilman Tierney: Absent  
Supervisor Fleming: Aye  
Motion carried.

**Resolution#126 - Approval of Vouchers and Claims**

On the motion by Councilman Huestis  
Seconded by Supervisor Fleming

Resolved:

**FEBRUARY 25, 2014**

1. Amchar Wholesale	\$3,039.18	Amo & Rifle
2. Aquarius Capital	\$4,500.00	GASB
3. Broadview Networks	\$2,563.23	Telephone Service
4. Cargill, Inc.	\$6,054.08	Salt
	\$4,166.15	
	\$4,411.74	
	\$4,079.85	
	\$4,482.18	
	\$4,412.38	
	\$4,420.63	
	\$4,484.09	
5. Cayne Industrial Sales	\$3,995.00	Lockers
6. City Carting	\$3,537.19	Lake Carmel Garbage
	\$4,556.33	
	\$3,112.94	
7. John's Truck Parts	\$2,795.00	Highway Truck #25
8. NYCOMCO	\$2,604.00	2-Way Radio Police
9. Purchase Power	\$2,000.00	Postage
10. Richard Harris	\$4,046.00	IT

	\$2,887.50	
11. Royal Carting	\$4,434.77	Recycling Garbage
12. State Comptroller	\$32,528.25	Justice Court Fines & Fees
13. Tenco USA	\$66,629.34	Mack Dump Truck
14. Thalle Industries	\$4,179.35	Sand
15. Town of Kent PBA	\$18,780.00	Welfare Fund
16. Town of Patterson	\$2,018.50	Building Dept Training
17. Windstream	\$4,026.15	Telephone Bill

Roll Call:  
Councilman Denbaum: Abstain  
Councilman Huestis: Aye  
Councilwoman Osborn: Aye  
Councilman Tierney: Absent  
Supervisor Fleming: Aye

Motion carried.

**Correspondence**

Supervisor Fleming read a letter from Chambers of Commerce. Mr. Nulk stated what the Chambers is asking for the approval for the Chambers to start the first step in what is required for the County to implement one of the recommendations of the Transportation Advisory Board which is a council or a commission regulating the taxi industry but not to include or infringe upon any of the rights of the towns as far as zoning regulations. The Town of Kent does already have regulations concerning but it is a requirement and we have to get the state to allow the county to do this as oppose to having it done individually by each of the municipalities. Counsel Curtiss stated that historically we had asked the county to get involved in this because the regulations were different in each town and it was getting a little cumbersome. We do have some zoning regulations but he thinks we requested this a couple years ago that the county get involved so there would be one uniform authority regulating all the taxis in the county. He thinks that is the way most of the counties do it. Mr. Nulk stated that is how most do it now. It is important because it would give us an agency that would deal with partially Westchester County which has a taxi and limo commission and there are significant issues of trans crossing of the taxi and limo from Putnam county into and down into the New York City airports. Councilman Huestis asked Mr. Nulk if he is just asking for the board to memorialize this, support it. Mr. Nulk stated yes basically it's the board's agreement they should go ahead and pursue this problem. What they need is a resolution of the board's support so that when the Chamber goes to the State Legislature they can say that the municipalities are in agreement the county should take this over. Councilman Huestis asked how the other towns are doing this, have they done it yet. Mr. Nulk stated that it went out to everyone today. But in his polling of all the towns they are all in agreement including the Village of Brewster which is the only Village that actually has a significant taxi regulation process and they are willing to organize it and again this would be something that would be developed by the legislative not to infringe on anything that is currently the purview of the municipalities themselves. Councilman Denbaum asked if it is going to agency, or commission or board. What is it going to be? Mr. Nulk stated that they need the approval of the state before they can really even come to that. They envision either a department probably of the consumer affairs department or perhaps an independent commission. It is yet to be decided. This is the very first step that is required. Councilman Huestis stated they we are just memorializing it and supporting it. There is no impact as far as money. Mr. Nulk stated at any stage the towns can say no we don't like this. Obviously working through your legislative. You can stop it but we tried this back in the late 90's early 2000's and it stopped because of issues in one of our towns. They had the era of the governor and the governor vetoed it at the time. Supervisor Fleming stated they will put it on the agenda for next week.

**Public Comment:**

Mr. Singer stated that items 6, 8 and 9. He wants to compliment the board for a very interesting evening. It has given him a lot of confidence. He would like clarification on 6, 8 and 9, request for proposals for the Planner, Planning Board Attorney and Planning Board Engineer, the Wetlands Inspector or Consultant is not included in this. Supervisor Fleming stated it will be added to the agenda.

**Resolution#127- Add Wetlands to Agenda**

On the motion by Supervisor Fleming  
Seconded by Councilman Denbaum  
Resolved: Wetlands proposals be added to the agenda  
Motion carried.

**Resolution# 128- Request for Proposal for Wetlands**

On the motion by Supervisor Fleming

Seconded By Councilman Huestis

Resolved: Approval is authorized to request proposals for Wetlands/Stormwater Consultant  
Motion carried.

**Public Comment:**

Mr. Singer asked if this is to encourage the planning board to look at their consultants and balance price and what is available or are you taking this over as a town board initiative. Councilman Denbaum stated the board is going to draft the RFPs, as a town board. They will go out; you will have certain entities answering them. He assumes the current town planning board consultants answer them. The board makes a judgment not only on price but other factors and included in that would be the input from the planning board. Mr. Singer stated under 271 of Town Law the planning board hires the consultants, secretary, etc. Councilman Denbaum disagrees in the sense it uses the terms experts and experts to him as an attorney usual differ from an attorney. They don't consider themselves experts. They consider themselves consultants. There is not case law on this town law. He has looked through lexis for the case notes, it's not there. There is an attorney's of general's opinion papers from 1975 including attorneys as experts but since then there has been no opinion. Mr. Singer suggested coming to the planning board and say as a town board we are starting at a going through Z looking at everything we spend money on. We'd like the planning board to do the same and send out RFPs so we don't get into the tug of war. Councilman Denbaum stated the only concern would be by asking permission of the planning board would be a concession of the reading of the law. Mr. Singer is not saying asking permission he is suggesting to the planning board it is their responsibility to watch the dollars, to think about interviewing. You learn what's out there; what other towns are doing, rather than kind of hammer over the head of the planning board. Supervisor Fleming thinks it's not a hammer and she has spoken personally to the town planner, the wetland consultant and the labor attorney. This process is not to be seen as any kind of hammer. It's not to be seen as projective of the people t we have working for us now. It was recommended by the comptroller's office a couple of years and the town board did not do it. We want to make sure we are getting the best bang for our buck we aren't over paying. In some areas we are going to get huge response we are going to bid out the town prosecutor's position. There are a lot of factors you take into consideration not just the cheapest, its experience. Just like RFQing the insurance company. If an insurance company doesn't have the background we aren't going to take them because they are cheap. Mr. Singer stated we don't want to get into the position were the town board is influencing the planning board they are separate and should stay separate. Councilwoman Osborn thinks what they need to do as a town board is to meet our obligations to the state and she thinks that is what the Supervisor and town board is trying to do she thinks the end result, they are going to see how good a position and the people working for us are the experts and they have done very well for us. Supervisor Fleming stated that's right and thinks the planning board's recommendations will be taken into consideration but the town board has always needed to approve the consultants, the attorneys. The town board has always approved, certainly for the past few years it was carte blanche whoever was in that position was approved she doesn't know if that is the best way to do business. Councilman Denbaum wanted to alleviate some of Mr. Singer's concerns as a planning board member. He thinks the town board with consultation with its own attorney is in the best position to issue these request for proposals and set them up. The board wanted to keep it uniform, the timing and everything. The request doesn't mean you have to accept the proposal, doesn't mean we have to accept any proposals. We have appointed the planning board's chosen experts and attorneys pro tem while this whole process goes on. This request may never be filled. This is just a procedural request to get quotes in and we just thought at the town board level we would be able to go through. Have the forms, there are a lot of legal requirements for sending out professional bid quotes. It all has to be uniformed; they all have to be ranked. The process was to get it generated by the town board whether we even decided to accept any was the next process. This is to start the review process. Mr. Singer asked who would be involved in the interview process. Councilman Denbaum stated right now we are allowed to craft and send out for request. Once we get the requests then we have another situation. We start interviews or we decide not to do interviews for a specific position. We go through what we need to determine what we need to hire or not hire. Mr. Singer stated to be fair you should come to the planning board and informed them of your feeling and what went on tonight he doesn't think they know. Supervisor Fleming stated they shouldn't be in the dark because it was discussed at town board workshop. Councilman Denbaum stated they changed the process at the beginning by appointing them pro tem from the start which was a drastic change from anything done in the past. That would have been an indicator that this was a temporary appointment and that should have set up some red flags. Councilman Denbaum doesn't think regardless of the planning we weren't going to send out the RFPs. That decision has been made any input from the planning board on the actual decision of hiring the board will take into account. This is months away, by the time we get them drafted and sent out and the required period to respond to them and the decision making process happens.

## TOWN BOARD MEETING OF FEBRUARY 25, 2014

Councilman Denbaum stated as a new board, he ran on we are going to change. He is not responsible to another sub entry of the government he is responsible to the people. So if it's in the people's best interest we go forward with this and it's not in the planning board members best interest his responsibility lays with the people not the sub agency. If there is case law saying we are overstepping our bounds he will agree to take a second look. He searched before they did the problem originally and he couldn't find anything and one of the partners in his firm said he thinks the town does. Supervisor Fleming stated she does believe the amount of participation by planning board members is not something we haven't ruled out. She certainly believes the planning board is the resource they would go to before they make a decision. Councilman Huestis stated let's see what we get, the planning board does a great job and they are going to comply with the comptroller's office. There will be a dialog with the planning board the planning board will probably be making a recommendation and we'll debate. That recommendation will be very well respected on his part and he believes the rest of the board. Mr. Sisto to agrees with the board and respects what they are trying to do as long as they are included and they talk about it and come to a decision he thinks it's a good step forward. To cover the cost and get everything out in the open, he doesn't have a problem with that. We'll see what happens down the line. As long as the board gives them the respect. He thanked the board.

Sue Kotzur from Kent Recycling stated that she received a call from Mary Rice from Putnam County Solid Waste. She stated that the E Waste containers at the Kent Recycling Center are open to all residents of Putnam County not just Kent Recycling members. She submitted a list that is accepted. She also wanted to remind everyone that Kent Library is celebrating their 50<sup>th</sup> Anniversary and the exhibit for March starts this Saturday March 1<sup>st</sup>. It's for 50 years of library, its located in the Adult reading area. Councilman Osborn thanked Ms. Kotzur for all her volunteer hours.

### **Resolution#129 - Adjourn Meeting**

On the motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: Kent Town Board meeting of February 25, 2014 be adjourned at 10:30 p.m.

Motion carried.

Respectfully Submitted,

Lauren Louderback  
Deputy Town Clerk