

TOWN BOARD MEETING OF FEBRUARY 26, 2013

Presentation – Kent Public Library Frank Rees, Director of Kent Public Library provided the Annual Report for 2012. He stated their goal is to provide quality library service to the Community. He referenced the kickoff event to the summer reading program held in July, noting Atka, the wolf came; the event was attended by over 300 Community members. Just one of the ways they're keeping the Community first. At the Kent Public Library, they believe the public goods served by the libraries are essential to a healthy society, a strong democracy and a vibrant community. Everything done in the Library strives towards this goal. They work collaboratively with the Town of Kent to provide quality library service and referenced the Highway Dept. who helped enhance the gazebo. At the Library, every goal, decision, expenditure, every smiling staffer is there to provide quality library service they have books but they are so much more. They have magazines, music CDs, DVDs, Blue Rays, audio books, downloadable e-books, programs of all kinds, public computers, computer classes, Wi-Fi throughout the building even at the Gazebo. They have meeting space for local organizations, friendly knowledgeable staff and also have museum passes that can be borrowed which allow up to 4 family members free admission to a list of museums such as the Museum of Natural History and Intrepid. They have programs for adults and senior citizens. Wii bowling meets every Monday morning, in 2012 over 1600 people played Wii bowling at the Library. They have AARP tax aid to help low to moderate income seniors complete their taxes in 2012 about 100 people took advantage. There is film screenings and something new, Mom's Chat group. This is new mothers getting together and chatting about their experience and problems the group meets for 2 hours but continue on more. There are book discussions, book clubs, computer classes and classes on how to download e-books and use the e-reader; he is available one on one by appointment. There are programs for children such as weekly story time sessions with 3,000 children in attendance; therapy dogs' work with a struggling reader, the child reads to the dog which really improves their reading as the dog is non judgmental, sits there providing the children with confidence, a very popular program. The summer reading program had over 300 participants reading about 3,500 books. There are book clubs for children of all age groups such as kinder read, little lit lovers and a special book club for 5 and 6 year olds split between boys and girls. Another popular program was a Lego program; there are bins and bins of Legos and every 2 weeks on a Saturday kids build a Lego project it is displayed for 2 weeks and when they come back for the next session they rip it down and make something new. They have programs for young adults or teenagers referencing pictures of Kent Red Devils their battle of books team, a team that competes against 23 other Mid-Hudson Library 's in the system. All the teams read the same 8 books and in September there is a championship match with all libraries answering questions jeopardy style. It's a lot of fun and a lot of work. There's jewelry making, crafts and cooking programs as well as teen nights where teens come in they lock the Library and there's all kinds of activities for a couple of hours after dark, including movies. They provided shelter from the storm for the 2nd year in a row during Hurricane Sandy; their generator ran for over 100 hours from October 29th to November 2nd. During that time, over 1,200 library visits for heat, lights, and computers were made. The important thing to note about the generator is that no taxpayer dollars were used to install that generator. It was money left over from the sale of the old library on Route 52. This has been an advantage for them to remain open when there's no power. There is a new color copier for the Community that has scanning capabilities, anyone can come in and scan documents to a USB flash drive. They have the smart KIOSK where people can get temporary visitors passers for computers where they can take care of their copies and computer printouts. Before this, printouts would go to the circulation desk, now it's private, an enhanced and better user experience giving the staff more time to help others. It's beneficial and will save money on toners and cartridges. The improvements to the gazebo include the sidewalk and a ramp so everyone has access and because there's Wi-Fi there many are there with laptops or reading in the summer, they have story hours and programs there too. They added a 5th spot light to the back, at night the gazebo is all lit up. The Kent Beautification Committee put 2 potted ferns enhancing the look. The Community has responded in a big way in that 56% of Kent residents have library cards that is about 7,500 residents compared to other libraries in the area a good statistic. They had over 85,000 library visits in 2012 which comes to about 291 people per day. The Community borrowed over 102,000 books such as audio books, e-books and other materials including over 28,000 DVDs and Blue Rays. That is a statistic they are very proud of in that over 10,000 people attended over 800 programs held at the Library last year. There was an 11% computer and Wi-Fi increase use which is an amazing jump in downloadable e-books, 168% increase. A 6.5% increase in library visits in a 3 year trend, the use is going up every year.

The 2012 Financial Overview, their total revenues was \$596,110.00. He stated 88% comes from the Town of Kent, he thanked the Town, the remaining sources of revenue includes a little bit from the State and Putnam County, library charges which is fines and lost books; interests and other income accounted for, the Friends of the Library also contribute \$5,000.00 a year as well as charges from copies and computer printing. How did they use the funds in 2012? Like many organizations, 60% of the funds go for staff you must have a staff in order to provide services, the next big chunk is for materials such as books, Blue Rays, DVDs, CDs and information

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systems in that they are a member of the Mid Hudson Library system, a 66 member cooperative covering 5 counties (Dutchess, Putnam, Columbia, Green and Ulster). There is a delivery system with the libraries, if you want a book the Library doesn't have they'll obtain it from another library with a 2 day delivery turn around it's expensive but it's important because whatever book someone wants they will likely get it. In 2012, they had a small fund balance of about \$5,399, which will be used in 2013 to help provide library services. Their financial outlook in 2013, for 6 consecutive years they have not asked for an increase from the Town of Kent for funding. Some costs dramatically increased this year such as Human Resources, insurance and the costs for that information system. They have done a lot of things at the Library so they haven't had to ask the Town for an increase. They are great stewards of the taxpayer dollar. They have a careful budgeting process, strong internal controls, annual independent audit, capital spending plan to ensure they have plans to care for the building and have technology in the future like carpet, paint and computers. They have a fund balance policy, they believe every taxpayer dollar they get should be used to provide services to the community, when they have a fund balance policy dictates that money goes back into the Library. Not asking for increase helps the Town comply with the 2% tax cap they are doing their part with taxpayer dollars. They have to give the Friends of the Kent Library a big thank you, they gave them \$5,000; last year, \$2,000 to help continue the museum pass program, \$2,000 to purchase e-books and e-readers, and \$500 to support the Battle of the Books team and \$500 to purchase snacks and crafts supplies for programs. The Kent Library a strong quality of life investment for all Kent residents.

Public Hearing – Cell Tower at Smokey Hollow Court

Robert Gaudio, a partner with Schneider and Schneider on behalf of Homeland Towers mentioned they received comments from NYC Department of Environmental Protection they are just about finished revising the site plan to address those comments and the Environmental Assessment form and expect to submit same to the Town Board shortly. In addition, they received papers from an attorney representing the neighbors they would be happy to listen to their comments and respond appropriately thereafter.

Andrew Campanelli, Campanelli & Associates, P.C. stated he represents 11 homeowners in the Town of Kent. He has previously submitted a Memorandum in Opposition along with supporting exhibits A through F made part of the record. (On file in Town Clerk's Office). He handles cell tower cases, across the State of New York and the United States. Upon his review of the application and the subject site and having spoken to DEP, he thought this is an irresponsible attempt of a placement he has seen. He had towers taken down after they were built and this application opens the Town to liability. He looked at the Town's application, and the contract. He said before he represented residents opposed to cell towers he represented a company that put towers up and knows the issues. The first is who's contracting to put a tower on public property and their authority. The Contract between the Town of Kent and Homeland Towers there is a problem. Supervisor Doherty noted this hearing is not on the Contract but the Cell Tower being proposed on that site. Mr. Campanelli said it is incumbent upon the Town Board to ensure it is not exceeding its legal authority, often whether granted or denied, cell tower cases end up in court. This is not a threat he stated, simply here to have a discussion an advocator. He is here as an educator he has reviewed and dealt with these issues for years and submits when dealing with a Board that has 2 year terms, it is an illegal act to enter into a contract for 40 years especially when you are getting less than fair market value for the rental of the property. He has dealt with these issues before; he has a lawsuit in Mannorhaven to rip a tower that is up because the parties that signed it exceeded their legal authority which was the case in Huntington where they leased space from a water district that had no legal authority to do so. He submits that issue be revisited, he is bringing this to the Board and submits it's problematic because his clients, the homeowners, pay taxes, if there is litigation it would come out of their pockets and by pocket he means it is by no accident the contract says you claim you have the authority to do this and if you are wrong you have to pay their attorney's fees as well as your own and that comes out of his clients' pocket. He said the restrictive covenants against Lot 32 as addressed in the brief are an issue of merger. It is clearly set forth within your code and you are legally obligated to consider the potential adverse impact which the installation of this type would have and there are quite a few. As mentioned in the Memo most local governments including Kent recognize the importance of maintaining a secure fall zone. There are dangers associated with construction of this size, ice fall, structural failures he has seen pieces of towers spear into backyards and entire towers go down in flames, and there are links to sites you can see. The Town of Oswego had a new 150 foot tower collapse, crushing the fire chief vehicle. This thing is going to be within the fall zone of a school bus stop for children on Route 301/Smokey Hollow Court; there is a wealth of information available in the Memo to show why the Town should apply Town of Kent's zoning requirements. It does not meet the setback requirements and it does not meet the land size requirements in that you have to have 2 acres and this is 1.1 acres, the height restriction, it doesn't meet any of them, he urged the Board to reconsider. The property has been alleged by one of his clients who observed an excavation at

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the site is highly contaminated apparently used as an illegal landfill for years. He said NYCDEP takes a different view of this property than what **Tectonic** and Homeland said. Before DEP grants a variance the Town will have to establish to the DEP the Town will not disturb this soil in the manner that may potentially degrade a reservoir which supplies drinking water to 8 million NYC residents. He does not think it's going to happen, if the Town breaks ground and contamination is found they will make the Town clean this entire parcel. If Homeland represents they will clean up or pay for the expense he suggests the Town get it in writing assuring they are contractually obligating themselves to clean up Lot 31 and not Lot 32. They talk about the clean bill of health they got from the DEC, it referred to Lot 32 not Lot 31. DEP also knows the Town of Kent has been violating the Code by paving. They have let that go, but not anymore. He seen nonsensical reports an esthetic impact study, an EAF which had false information; none of these studies have any significance. The adverse esthetic impact, there is a visual assessment study provided, Federal Courts ruled visual impact studies are meaningless if they do not include images from homes of homeowners in close proximity; Homeland submitted and there isn't one. He said, because they will suffer the greatest adverse impact. The environmental assessment form doesn't take his word saying it's inaccurate. The DEP looked at it and rejected it; these things aren't true just as there is no gap in service. As a matter of law, this record shows there is no gap in service. Homeland does not provide wireless services. This record cannot establish there exists a gap in wireless services because you don't have a provider. What your record reflects is an equivalent saying "we found cancer" and the question is "on whom". You cannot have cancer without the body. You cannot have a gap in wireless services without a personal wireless service provider and there is none. On record, as a matter of law, you cannot grant this application, if you do you will guarantee liability for the Town which is going to be more substantial than whatever you think you're going to get under the lease. This is a 150 foot tower; they are going to put 5 or 6 carriers on it. They'll pay \$2,500 to \$3,500 a month, \$21,000 what are you getting 35%? That is a functional equivalent of selling your house and paying the real estate broker 65% of the proceeds. Brookhaven gets 80% plus a \$150,000 bonus payment up front why would you negotiate for less. Even worst, you negotiated for less and signed a lease which binds the next 20 Boards thereby depriving the Town of Kent from competitive bidding for the next 20-40 years. You cannot do it. You would exceed your legal authority. He thanked the Board and will stay to answer any questions.

Peter Bruen of 3212 Route 301 in Carmel asked the Board if they have seen the site on Smokey Hollow Court. The board confirmed they have seen the site. He went on to say if a homeowner came to this Board and gave misleading information on a piece of property that was, incorrect and wrong, one would be upset and not trusting of that person. That is what happened on November 27th at the Town Board meeting. He said Homeland Towers gave deceptive information since it was not the parcel of property where the cell tower would be situated. They did not and do not have any approval from the DEC or DEP for the actual property where the cell tower would stand. Is this really a mistake or some form of miscommunication? Had he not attended the November 27th meeting, you would have thought the information Homeland gave was accurate, true and correct that is what they are paid to do. Homeland Towers knew there were 2 parcels and Ms. Doherty. The information given on the 27th did not pertain to that property. Why was that, he asked. The Town Board had not learned about the problem with the contaminated ground until he got in touch with the Town. Homeland Towers stated the output of the tower would be a third of the normal output. How do we know that? We've already known they didn't talk correctly at the meeting of November 27th. Who has a meter not belonging to Homeland Towers that is going to test the output of the tower, what unbiased company would monitor the output. Homeland Towers would say whatever they feel is necessary and omit pertinent information to achieve their goal of building towers to collect rental income. Homeland stated they are going to perform ground penetrating radar. Hopefully that will be done on the correct property. He asked if those results come in yet. He asked where the pictures of the balloon tests with leafless trees are. Homeland Towers and the Board are aware their trees are without leaves for almost 7 months a year, pictures of a balloon test without leaves would show a different result. He asked about the fall zone of the cell tower. Homeland Towers makes no mention of it. If you don't believe cell towers can and do fall, check on YouTube. It happens more often than you think. No matter where a cell tower stands on that parcel, if a 150 foot tower fell it would cross Smokey Hollow Road, injure or kill somebody or go across the levies in their driveways; there is no escape; you don't see it coming it happens. If ice falls off the tower dropping 15 stories it could fall on Smokey Hollow the 2 driveways or your Highway Department. If either happens, someone could and would seriously be injured or killed. Why would you put your own employee's at risk? Where is your protection for their health and safety? If an accident did occur who will be held liable he asked; the Town of Kent. Why would you put other lives in danger, like the children that walk up and down Smokey Hollow Court twice a day to go to and from their bus stop, people walking their dogs, getting their mail, deliveries, cars, it can fall across Smokey Hollow. You have seen where they want to put it. On January 31st of this year, during a very brief conversation with Ms. Doherty, she informed him her word was good. On November 7th, he and Sandy a resident of Smokey Hollow met with Ms.

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Doherty. Ms. Doherty told them the reason the cell tower had to be built was to cover a gap in cell service and a law that the Town would be fined if the tower was not built. He requests a copy of that law; you are not going to get it because it didn't happen. He was further informed the Town did not have to notify the 7 surrounding homes. The only reason she could've known the neighborhood did not have to be informed was because she already knew the Town of Kent wanted to be lead agency. She never told them that. Isn't that why on November 27th during the meeting, Homeland Towers then asked for the waiver for the Town Zoning ordinances he stated; the purpose of Zoning Laws is to protect and promote the health, safety, comfort, convenience, the economy, esthetics and general welfare of the Town and its residents. By bypassing the Zoning Laws you are effectively saying for a secondary sitting site you do not want to protect your residents. If the Town Board followed, as it rightfully should, the Town of Kent Zoning Laws the Board would have to notify them 14 days in advance without a doubt this site would have been found inadequate and no tower built. For cell towers, your Zoning Laws, states 2 acre site but this is only 1.1 acre. Ms. Doherty also stated restricted covenants on the original 1937 Highway Dept. property where the garage stands had been rescinded in 1973. He asked how she knew, Ms. Doherty stated the attorney researched it; he presented a copy stating nothing has changed on the restricted covenants on that property. That property is a substandard size lot, it should have been merged with the original 1937 lot of the Highway Dept., and the restrictive covenants should be under both. It does not make sense that Homeland Towers says they are going to clean this site up. It would cost millions, where is their payback even with the 40 year lease. It does not add up. Homeland Towers' obligation for this tower does not include a reservoir stem that runs in the middle of it. How could there be all these omissions this company does this for a living. Something is not right. He thought the Town Board is here to protect its residents and to not hurt them physically or financially. It's the job of the Town Board to thoroughly research a project and not rubber stamp it. Research could be as simply as checking out Google or YouTube. Approval for this tower would show you don't care about your Highway Dept. employees or residents but especially our youngest and most innocent, you would hurt them physically and financially. Physically from the electromagnetic radiation omitted from the tower into their homes 24 hours a day, 7 days a week, and 52 weeks a year. Why did they tell you not to stand near a microwave oven if you have a heart condition and not a refrigerator as Ms. Doherty stated. You would also hurt us financially. Who would want to buy a home so close to a cell tower? Common sense tells him money should never be more important than the health, safety and welfare of people. Any business person would see the negatives outweigh the positives which includes \$24,000 a year income. He pleaded with the Board to listen to their concern, research it, don't rubber stamp and use common sense by not approving the cell tower to be built at 21 Smokey Hollow Court. Show your residents you can do the right thing protect them and not harm them.

Greta Fay Vaughn spoke on behalf of her mother Alexsandra Vaughn. She began by saying her mother is shocked she had to come tonight to discuss the cell tower proposed within 200 feet of her home. She never expected 15 years ago when she moved to this beautiful town she would be forced to protect herself, her home, and neighborhood from something so outrageous. This summer, they planted several different trees, bushes and flowers on the location of the proposed site to beautify their neighborhood. Her mother has taken pictures and provided copies to the Board. They love nature their environment and have a flourishing garden in the summer and enjoy fresh eggs from their chickens all year round. The Town of Kent and Homeland Towers is proposing to take our beautiful setting and put 150 foot radioactive tower in the middle of it all. This is an eyesore to the beauty of their neighborhood and countryside but after extensive research have information what it can do to their environment. She was upset to see an environmental impact study had not been done. The Town submitted as Lead Agency, a State Environmental Quality Review from Declaring a Negative Declaration which stated an environmental impact study would not be necessary. Not necessary to enjoy their environment is protected against a large 150 foot metal pole that has radioactive frequencies beaming in all direction. Not necessary to ensure the West Branch Reservoir approximately 1000 feet from the proposed tower which provides drinking water to New York City is protected from runoff into the stream located within 25 feet from the tower. Runoff that can occur from potential failure from tower and sub building below. Failure can be fire, corrosion, battery acid, etc. Not necessary to ensure that migrating birds and wildlife are protected against these harmful effects. The West Branch Reservoir is known to be home to many species that are federally protective migrating birds such as the Double-Crested Cormorant and Hudson Valley Bald Eagles according to the Bedford Audubon Society. The Audubon Society has huge concerns about these flocks of birds crashing into the tower while migrating to major waters such as the West Branch Reservoir. They have found birds such as the Bald Eagles have made nests in the antennas exposing them to high levels of RF. Studies show nesting birds close to and on towers themselves have lower egg production. This is also a big concern since they have chickens in their yard. Studies also found birds and wildlife have left the area of cell towers due to the adverse affects that the magnetic field have on wild animals and birds. They are more susceptible to these currents. Aside from the environmental issues, she would also like to speak about the potential adverse

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health effects. Greta said she is her mother's number one priority it's her job as her parent to protect her from harm and she feels it is the Town Board's job as representatives of our community to protect children from harm. The internet provides vast amounts of information on the harmful effects cell towers may emit on young children in their bodies and brain development. How would you like it if you had a cell tower exactly 200 feet from your home? If you want this cell tower put up, how about you put it there.

Lynda Davidson stated she has come this evening to urge the Board to reconsider the proposal from Homeland Towers regarding the cell tower located at 21 Smokey Hollow Court. Her first thought was to discuss the many reasons why she, her husband and other residents believe this site is not practical to a structure of this magnitude. How ridiculous the Town of Kent would even consider that Homeland Towers should have immunity towards zoning. The more she researched the internet and combed through the documents the Town provided on the website the more she became angry. She's angry because the Town's elected officials are supposed to protect the residents through these zoning laws. Zoning Laws are put in affect to segregate uses that are thought to be incompatible and to prevent new development from interfering with existing residents in addition to preserving the character of our community. How can Homeland Towers and the Town itself be immune from the 12 pages of Zoning Laws the Town of Kent itself put in effect to protect the health, safety, well being and property values. This structure will definitely interfere with the existing residents and will not preserve the character of their community. She's angry she takes the health of her family, her friends and herself seriously. She's spent months since the Town Board meeting on November 27th researching the health effects that radio frequency has on the individual and the results were overwhelming and quite sickening. She said Ms. Doherty, stated the radiation from a cell tower is equivalent to opening our refrigerator that is ridiculous and insulting to their intelligence. Supervisor Doherty interjected correcting Ms. Davidson stating "it was more radio activity opening your refrigerator" is what she said. Supervisor Doherty further stated her words have been twisted tonight and she will answer those next month. Ms. Davidson stated she was going to detail the many adverse health effects it has on their children and all the other unbelievable statistics but she believes it is the Town's responsibility as educated and elected official to do the research and know the facts before the Board place their votes on this project. They have 5 young school age children in this neighborhood and all live within 200 feet of the proposed site. She cannot believe the Town Board would consider a proposal like this knowing the adverse health effects and turn a blind eye; brain tumors, leukemia, Alzheimer, neurological disorders, increased blood pressure, infertility, her daughter is 16 years old, infertility, migraine headaches, sleeplessness and the list goes on and on. She doesn't want the Town of Kent and Homeland Towers to make her, her family, her friends and her neighbor's human guinea pigs. She does not feel the Town should have the right to make them a future study when the government and the FCC finally realize and take seriously what is happening. She is angry to think about their homes impending fallen property value. She thought it was the town elected officials responsibility to do what is best for their residents. It is certain if this cell tower is put in to their neighborhood their property value will decline. It is a fact home buyers will look at this tower and immediate fear potential health risk. The Town Board has an opportunity to do what is right for the residents of Smokey Hollow Court. Do not approve this site for this tower, consider their health and welfare which is what they were elected to do rather than taking this Town's very small financial gain over the best interests of the people, She thanked the Board.

John Deerman of 12 Smokey Hollow Court stated he purchased his house in mid December had he known the Town was putting in a cell tower he would not put a bid in on his house. Supervisor Doherty stated his wife called her 2 weeks before they closed on the house. He said by then they were not able to get out without losing \$15,000 deposit. He asked how much does the \$24,000 a year generated in rent will save the average taxpayer. Supervisor Doherty advised they are taking comments at this time not answering questions everything will be answered next month. Mr. Deerman asked if the Tax Assessor did projections on the reduced home values for the 7 homes that would be affected by the tower or can you ask him if he has any idea what the lowered assessment would be and how much loss in property taxes you would lose. He presented a letter from the Regional Vice President of Houlihan & Lawrence whose professional opinion based on 40 years as a full time real estate broker operating in Putnam, Dutchess and northern Westchester the existence of cell towers within close proximity to single family homes have a negative effect on the marketability and values of these homes in addition to being unsightly and commercial, potential home buyers generally perceive cell towers to be an unattractive nuisance and potentially dangerous for children in the neighborhood. Mr. Deerman asked how many times the Town Board has taken over as lead agency in the past on other projects in the Town and why are Zoning and Planning Codes being cutout from this process. He thought that is what those boards are meant for. He also asked if the Town is violating its own zoning law by approving the cell tower. He commended the Board for thinking outside the box to try to generate revenue. A lot of town boards don't do that. You

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are getting rent for the 2 towers that no one is disputing and felt the Board should be commended for that. He also thinks when the Board discusses this proposed site in executive session the Board will determine this site is inappropriate for a commercial cell tower and the Board will make the right decision.

Dawn Groundwater of 22 Smokey Hollow Court has been a resident of Kent 15 years. She lives with her family and 2 small sons and love living in Kent. Their neighbors and attorney have done a nice job of detailing the technical aspects of this situation. They don't get a lot of services, there is wonderful library and they are grateful for that, they don't have rubbish removal and pay some of the highest taxes in the area like Mr. Deerman they would like to know how much the Town would benefit and will they see some impact with the revenue they're getting from these cell towers and how will the residents of Kent be recognized in that. She thinks those who have moved to this area because of its esthetics, its beauty and everything it brings to the area they see the benefits are not strong enough to out weight all of these negatives. The Town Board should think in their shoes if it was me would I want this in my backyard. She asked the Town Board consider that.

Lisa Schultz of 22 Smokey Hollow Court has 18 years of experiences in oncology RN and pointed out she did read the studies the Town provided from the government negating the physical impact of a cell towers on its residents. She said cell towers are very new environmental cause that has not been significantly studied. In her 18 years of practice she has treated many men who came back from Vietnam for many types of leukemia. Those men were not told when they went to Vietnam they were put in harm's way from Agent Orange. She has treated many patients with lung cancer who were not smokers but who happen to work in a carpet factory in Danbury. They were not told at the time they were in danger from going to work each day; she is specially concerned for the children who live on their street because they are in greater risk than those of us speaking tonight who are middle age. As their cell reproduction their myopic value is at a much quicker rate leaving them opened to the genetic mutations that are potentially caused by radiation. If she can go to the Emergency Room and have somebody neglect to give me a CAT scan because they're afraid of radiation impact that it might have on their ovaries and breasts then exposing children 24 hours a day, 7 days a week, everyday of the year to continuous radiation has to be looked at as potentially having a very negative impact that no one will see until they become young adults and potentially end up with these forms of cancer that we don't see yet because the genes have just not mutated yet.

A young boy said he came today and thought it sick why you would build this in a place where people have a nice forest and put a huge steel pillar into the sky which wouldn't look good in his opinion. Would you like Alzheimer's when you're 90 neither would he so therefore the Town shouldn't expose children to this potentially deadly radiation with leukemia and other types of cancer. It would disturb the esthetic feeling they get out of their area. You might mutate some of the surrounding wildlife and may contaminate the reservoir that feeds 8 million people in New York City. They would then get some cancer also.

Robert Gaudioso spoke stating his intention tonight is not to give a full response. They will follow up in writing but there are a few things he wants to touch on. He is not going to stand here with threats of litigation regarding the lease agreement that has nothing to do with this application. Any threats of litigation are inappropriate particular in this context. As far as the merger issue of the zoning requirements, he believes Mr. Campanelli is wrong on the law and will put in writing in a memorandum in response. There are many facts stated tonight that are wrong. Regarding the issue of the DEP rejected their EAF that is not true. They are not in a position to reject or accept their EAF. This Board is the Lead Agency and, in fact, the DEP agreed and consented. This Board has not yet made an environmental determination on this particular piece of the project. However, this Board has looked at this issue for many years. It has conducted an environmental review on the infrastructure plan spent a certain amount of money for a particular piece of property. It was a master plan. It was recognition of the fact federal law says you cannot prohibit wireless carriers from installing in your community and the Town took that federal law and rather than being subjected to ad hoc applications the Town was proactive and looked at a master plan throughout the community. The basis was to provide reliable service not just for wireless carriers but for users, residents, people commuting through, people doing business people contacting emergency services and for emergency service. Emergency Services uses commercial carrier service if there is a lack of adequate services it will affect residents but also emergency service users. The lease and application include provisions of emergency service antennas for their own internal networks. This is not about a simple "is it worth it on a per capita basis" based on the lease revenue. This is from day 1 through multiple environmental reviews, analysis, master plans and infrastructure plans, a review of what is most important service to the community. Service to the community whether it's the library or police or fire or wireless service is a very important thing. The idea DEP rejected the EAF is wrong; there were comments by the DEP that they disagree with including

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the location of the stem is actually a water course that is based on definitions in the New York City Department of Environmental Protection Regulations. We are dealing with an agency concerned with New York City they have a legitimate dispute with them and are working through that process as part of the environmental review they have taken the past 2 months to respond to their comments, to do the due diligence to take that review seriously. The issue of radio frequency emission and health, it is a hot topic. This Board is aware that it is also federally preempted. He heard talk about new technology; it has been around for decades. Wireless technology has been around for the better part of the century used in communications particularly. Their report was submitted to show we are in compliance with federal regulations. And once they do that, that issue is federally preempted. It didn't show its 30%, it shows it's about 3% of the federal regulations but if you have concerns go to the American Cancer Society see what they say on the issue if that truly is a concern. He thanked everyone and stated they will be responding to address the legal issues and urged the board to rely on your own counsel as well. He will respond to the other involved agency's comments and move the process forward.

Resolution #103 - Adjourn Public Hearing – Cell Tower

On a motion by Supervisor Doherty

Seconded by Councilman Tartaro

Resolved: The public hearing on Cell Towers was adjourned to March 19, 2013 at 7:00 p.m.

Motion carried unanimously

Salute to the Flag – Supervisor Doherty called the meeting to order at 8:00 p.m. with the Salute to the Flag.

Roll Call

Supervisor Katherine Doherty – present

Councilwoman Penny Osborn – present

Councilman Mike Tierney – present

Councilman Lou Tartaro – present

Councilman John Greene – present

Also Present- Town Counsel Tim Curtiss, Police Chief DiVernieri, Recreation Director Hernandez, Town Planner Neil Wilson.

Resolution #104 - Approval of Vouchers and Claims

On a motion by Supervisor Doherty

Seconded by Councilman Tartaro

Councilman Greene asked which truck. Councilman Tierney replied #3, #4, #5, #38, #23 a number of different jobs on one invoice.

Resolved: All Vouchers #200123166-200123301 and 200123174-2001123273 and claims submitted by:

1. Broadview Networks	\$3,670.90	Telephone Bill
2. Cargill	\$24,866.57	Salt
	\$13,501.70	
	\$5,063.31	
	\$5,330.75	
3. Global Montello Group	\$7,610.60	Fuel
4. Insite Engineering	\$18,620.00	Rt. 52 Sewer District
5. Jim Williams Welding Trucks	\$4,305.00	Welding: Highway
	\$3,885.00	
6. Public Sector Services	\$2,975.23	Human Resource
7. Richard Harris	\$2,887.50	IT Service
8. Robison Oil	\$2,083.48	Oil: Recreation
9. Somers Sanitation	\$5,640.66	Lake Carmel Garbage
	\$3,546.85	
10. Sprague Energy	\$6,963.49	Fuel
11. Thalle Industries	\$7,848.23	Sand
12. Tire Buys	\$4,693.80	Tires

In the amount of \$195,992.05 may be paid.

The Board took a poll vote as follows:

Councilman Greene – aye Councilwoman Osborn – aye

Councilman Tartaro – aye Councilman Tierney – aye

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Supervisor Doherty – aye
Motion carried unanimously

Resolution #105- Recreation – Playground Safety Surfacing

On a motion by Councilman Tierney
Seconded by Councilwoman Osborn

Whereas the Town of Kent Town Board sent out an RFP and received 3 proposals, we wish to accept the low proposal of Zeager Brothers to provide playground surface materials.

Be it resolved, that the Town of Kent Town Board awards the contract to provide playground surface materials to Zeager Brothers in the amount of \$8,392.65.

The Board took a poll vote as follows:

Councilman Greene – asked if the price includes the lining barrier system- Supervisor Doherty replied no, that is separate -aye Councilwoman Osborn – aye

Councilman Tartaro – aye Councilman Tierney – aye

Supervisor Doherty – aye

Motion carried unanimously

Resolution #106 - Recreation Department-Playground Surface

On a motion by Councilman Tierney
Seconded by Councilwoman Osborn

Whereas the Town of Kent Town Board has approved the winning proposal of Zeager Brothers to provide playground surface materials. This proposal was in the amount of \$8,392.65.

Be it resolved, that the Town of Kent Town Board be authorized to order provide the surface of the above named playground on behalf of the Town of Kent Recreation Department. This work will be performed by Zeager Brothers.

The project will be made at the proposal price of \$8,392.65; this repair will be charged to the A.7110.400 Parks contractual line.

Be it resolved further: Payment for the repairs to the above named playground will be made in the amount of \$8,392.65 to Zeager Brothers upon acceptance of the project in accordance with the payment procedures of the Town of Kent.

The Board took a poll vote as follows:

Councilman Greene – aye Councilwoman Osborn – aye

Councilman Tartaro – aye Councilman Tierney – aye

Supervisor Doherty – aye

Motion carried unanimously

Resolution #107 - Recreation – Disposal of Konica Minolta Copy Machine

On a motion by Councilman Tierney
Seconded by Councilman Tartaro

Resolved: On the recommendation of Recreation Director Fernandez, the Konica Minolta DI 351 copy machine that no longer functions may be discarded and removed from their inventory.

Motion carried unanimously

Resolution #108 - Recreation – US Sports Institute Summer Programs

On a motion by Councilman Tierney
Seconded by Councilman Greene

Resolved: On the recommendation of Recreation Director Fernandez, the summer sports camp program offered by US Sports Institute as submitted was accepted.

Motion carried unanimously

Resolution #109 - Recreation – Men's Softball Coordinator – Spring/Summer and Fall

On a motion by Councilman Tierney
Seconded by Councilwoman Osborn

Resolved: On the recommendation of Recreation Director Fernandez, Rick Wetzel was hired as the Men's Softball Coordinator for the Spring/Summer program at a stipend of \$600.00 and for the Fall Season at a stipend of \$400.00.

Motion carried unanimously

Resolution #110 - Set Public Hearing – Lake Carmel Fire Department Contract

On a motion by Supervisor Doherty
Seconded by Councilman Greene

Resolved: The Town Clerk is authorized to advertise for Public Hearing on the Lake Carmel Fire Department Contract for March 19, 2013 at 7:00p.m.

Motion carried unanimously

Resolution #111 – Promotion – Automotive Lead Mechanic *Rescinded March 5, 2013*

On a motion by Supervisor Doherty

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~~Seconded by Councilwoman Osborn~~

~~Resolved: Edward Buchler is promoted to Lead Automotive Mechanic effective February 27, 2013.~~

~~Motion carried unanimously~~

Resolution #112 - Accountant - Conference

On a motion by Supervisor Doherty

Seconded by Councilman Greene

Resolved: Town Accountant Michelle Summers is authorized to attend the 2013 NYS GFOA Annual Conference in Albany, April 11-12, expenses are not to exceed \$350.00.

Motion carried unanimously

Resolution #113 - Kent Police - Fence

On a motion by Supervisor Doherty

Seconded by Councilwoman Osborn

Whereas the Town of Kent Town Board sent out an RFP and received 3 proposals, we wish to accept the low proposal of Duke Fence to install the police department fence.

Be it resolved, that the Town of Kent Town Board awards the contract to install the police department fence to Duke Fence in the amount of **\$4,625.**

Motion carried unanimously

Resolution #114 - Kent Police – Duke Fence

On a motion by Supervisor Doherty

Seconded by Councilwoman Osborn

Whereas the Town of Kent Town Board has approved the winning proposal of Duke Fence to install the Police Department Fence. This bid was in the amount of \$4,625.00.

Be it resolved, that the Town of Kent Town Board be authorized to install the above named fence on behalf of the Town of Kent Police Department. This work will be performed by Duke Fence.

The project will be made at the proposal price of \$4,625.00; this installation will be charged to the **A.3120.200** Police Equipment.

Be it resolved further: Payment for the installation of the above named fence will be made in the amount of \$4,625.00 to Duke Fence upon acceptance of the project in accordance with the payment procedures of the Town of Kent.

Motion carried unanimously

Resolution #115 - Kent Police – Reestablish Canine Program

Chief DiVernieri addressed the board on the re-establishment of the Canine program. He said in 2002 the first Canine Program was established. Officer Tom Carroll was chosen as the Canine Officer and a German shepherd named Justice was purchased by a Kent resident. Officer Carroll and Justice was a tremendous asset to the department. They were successful with tracking numerous burglary and larceny suspects including a homicide suspect. The two were credited with locating lost children in the woods and evidence items. He said their presence at a volatile call, tended to deescalate the situation. Unfortunately both retired in 2010. He said they have the opportunity to reestablish the program. A Kent resident is willing to purchase the dog, a considerable expense. A veterinarian is donating their services and someone is donating the dog's food. The equipment for the vehicle will be recycled with a minimum expense for additional parts that need to be replaced or added. The monies will be taken from asset forfeiture funds and not from the Police Budget. He has spoken with the Labor Attorney to insure they comply with FLSA requirements as it relates to the handlers compensation for off duty care of the dog. He believes it will be a tremendous tool for the department at relatively low cost. He encouraged the board to vote favorably on the program. Supervisor Doherty asked for discussion from the board, there was none.

On a motion by Supervisor Doherty

Seconded by Councilpersons Osborn and Greene.

Resolved: Be it resolved that the Chief of Police may reestablish the Canine Unit and work with the town's counsel Elaine Gold regarding FLSA requirements

The Board took a poll vote as follows:

Councilman Greene – aye Councilwoman Osborn – aye

Councilman Tartaro, stated while he recognizes the benefits the Canine Unit does provide, he firmly believes these specialized services should be provided by the County Sheriff's

Department. The County Sheriff provides these services to four other towns in Putnam, and it is for that reason that he is voting, no.

Councilman Tierney, concurred this should be a service provided to all towns through the County Sheriff's office, therefore he votes, no.

Supervisor Doherty – aye

Motion carried

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Resolution #116 - Kent Police – CIA Security

On a motion by Councilman Greene

Seconded by Supervisor Doherty

Resolved: The Supervisor is authorized to sign the contract with CIA Security for the lease of a DVR recorder and equipment at the Kent Police Department.

Motion carried unanimously

Resolution #117 - Kent Police – Hire Dispatcher

On a motion by Supervisor Doherty

Seconded by Councilman Tartaro

Resolved: On the recommendation of Chief DiVernieri, Adam Turner is hired as Police Dispatcher, effective February, 28, 2013 at a salary set forth in the Collective Bargaining Agreement and the Town of Kent Budget.

The Board took a poll vote as follows:

Councilman Greene – aye Councilwoman Osborn – aye

Councilman Tartaro – aye Councilman Tierney – aye

Supervisor Doherty – aye

Motion carried unanimously

Resolution #118 - Planning –Accept Erosion Control Bond, Rich – Long Mt. Court - TM#8.-1-7

On a motion by Councilman Greene

Seconded by Councilwoman Osborn

Resolved: On the recommendation of the Planning Board, the erosion control bond from Aimee & Josh Rich, 1 Long Mountain Court TM#8.-1-7 in the amount of \$1,872.00 and inspection fee in the amount of \$1,000.00 was accepted.

Motion carried unanimously

Resolution #119 - Planning - Accept Erosion Control Bond – Lipkin – 85 Birch Point -TM#32.-1-35

On a motion by Councilman Greene

Seconded by Supervisor Doherty

Resolved: On the recommendation of the Planning Board, the erosion control bond from Walter Ian Lipkin, 85 Birch Point, TM#32.-1-35 in the amount of \$3,900.00 and inspection fee in the amount of \$1,000.00 was accepted

Motion carried unanimously

Resolution #120 - Planning – Accept Erosion Control Bond, NYSEG, 1397 Peekskill Hollow Rd -TM#31.-1-16

On a motion by Councilman Greene

Seconded by Councilwoman Osborn

Resolved: On the recommendation of the Planning Board, the erosion control bond from NYSEG, 1397 Peekskill Hollow Road, TM#31.-1-16 in the amount of \$2,000.00 and inspection fee in the amount of \$1,000.00 was accepted

Motion carried unanimously

Resolution #121 - Justice Court – Permission to Junk Office Equipment

On a motion by Councilwoman Osborn

Seconded by Supervisor Doherty

Resolved: The Justice Court may junk the following office equipment:

1. Hewlett Packard 1300 Printer Serial#CNCB649646
2. Star SP 300 receipt printer Serial #4501612007AA
3. IBM Labeler Pro Printer II Serial #3463434
4. Hewlett Packard Laser Jet 3015 Fax/Printer Serial #CNBM011830
5. Brother Intellifax 2920 Serial #U61326B8N406920
6. Royal Typewriter SE5005 w/cover Serial #53060895

Motion carried unanimously

Resolution #122 - Putnam County Office for the Aging Contract

On a motion by Councilwoman Osborn

Seconded by Supervisor Doherty

Resolved: The Supervisor is authorized to sign Contract #20130040 with Putnam County Office of the Aging.

Motion carried unanimously

Resolution # 123 - Tax Certiorari - Curtin

On a motion by Councilwoman Osborn

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Seconded by Councilman Tartaro

WHEREAS, tax certiorari proceedings were brought on behalf of Robert F. Curtin for the tax years 2011 and 2012 affecting a certain parcel of real property designated as Section 33.36, Block 1, Lot 3.-101 in the Town of Kent; and

WHEREAS, the parties have agreed to settle the tax certiorari proceedings in accordance with the attached Consent Orders prepared by Meyer & Spencer, P.C., attorneys for the Petitioner; and

WHEREAS, the Town Board of the Town of Kent wishes to authorize its counsel, Timothy J. Curtiss, Esquire, to sign said Consent Orders 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 Orders, at an interest rate not to exceed Seven Percent (7%);

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes its counsel, Timothy J. Curtiss, Esquire, to sign the Consent Orders 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 Seven Percent (7%).

The Board took a poll vote as follows:

Councilman Greene – aye Councilwoman Osborn – aye

Councilman Tartaro – aye Councilman Tierney – aye

Supervisor Doherty – aye

Motion carried unanimously

Resolution #124 - Emergency Repair – Highway Equipment

On a motion by Councilman Tierney

Seconded by Councilman Greene

Resolved: Service Manger Nicholas Mancuso is authorized to make repairs to Highway Equipment #43 a 2000 John Deer Backhoe 410E for 4 tires and Calcium foam not to exceed \$4,656.80.

Motion carried unanimously

Resolution #125 - Budget Transfer – Recycling

On a motion by Councilman Tartaro

Seconded by Councilwoman Osborn

Whereas, the Town of Kent Town Board wishes to transfer General Fund monies to the Recycling Account Passbook. This does not involve utilization of taxpayer money. These monies represent the expense and revenue net balance in the recycling department transactions for the years 2012.

Income:	94,607
Expense	68,400
Net	26,207

Resolved, the Town of Kent Town Board may transfer \$26,207 to the Recycling Account Passbook to cover the recycling.

Motion carried unanimously

Agenda Items & Correspondence –Supervisor Doherty asked for questions or comments on Agenda and Correspondence, there were none.

Resolution #126 - Adjournment

On a motion by Supervisor Doherty

Seconded by Councilman Tierney

Resolved: This town board meeting of February 25, 2013 adjourned at 8:28 p.m.

Motion carried unanimously

Respectfully submitted:

Yolanda D. Cappelli
Town Clerk