A regular Town Board Meeting was held on Tuesday, February 7, 2023 at 7:00 p.m. at the Kent Town Hall, 25 Sybil’s Crossing, Town of Kent, New York. To see the full meeting visit the Town of Kent’s website at [www.townofkentny.gov](http://www.townofkentny.gov) under Video’s on Demand.

At 7:00 p.m. Supervisor McGlasson called the meeting to order with the Pledge of Allegiance.

**Roll Call**

Supervisor McGlasson- present Councilman Tompuri- present

Councilwoman Campbell- present Councilman Ruthven- present

Councilman Boyd - present

Also present: Town Clerk Cappelli, Town Counsel Tagliafiero, Assessor Plawsky, Police Chief Owens, Building Inspector Walters, Recycling Chair Kotzur, Lake Carmel Park District Co-Chair Ulich, Lake Carmel Community Center Board members, several members of the Lake Carmel Fire Department, Kent Fire Department and the general public.

**Resolution #69 - Open Public Hearing –Tax Exemptions**

On a motion by Supervisor McGlasson

Seconded by Councilman Tompuri

Resolved: The Public Hearing on Tax Exemptions was opened.

Motion carried unanimously

**Public Hearing**

Assessor Seth Plawsky explained they are looking to increase the income limits for Senior Citizens and for the persons with disabilities and limited income. The limit has not changed since 2009. The old limit of $29,000 is proposed to change to $40,000 this year, $45,000 next year and $50,000 the year after. There is also a sliding scale to approach diminishing returns as you approach the upper end of the limit which is an additional $8,400 bringing the total this year to $48,400, next year $53,400 and the following year $58,400. He said the other exemption is for volunteers. He explained historically that has been an extremely low exemption. The limit on that was $3,000it was so low that most volunteers go for the income tax credit. He said the State has changed the way the exemption will be calculated. It will be 10% exemption, there is no cap on that. In order to qualify the volunteers will have to be a member in good standing for a minimum of five (5) years. There is a clause for a lifetime member, anyone who has been in good standing for twenty (20) years receive a lifetime exemption. A resident asked if you have to apply every year. Assessor Plawsky replied the Fire Departments will provide the town with a roster stating who is in good standing. He said the service award is based upon a point system, a certain number of calls must be gone on, the rest achieved through educations, drills and training.

He said the exemption can only be given to those who are members of the Lake Camel Fire Department of the Kent Fire Department. Barry Sandoval, Commissioner for the Kent Fire Department stated he manages the points for the LOSAP program. He said members in good standing would require 24 points a year. He asked if it is for members who own property in Kent. Assessor Plawsky replied yes. There were no further questions or comments

**Resolution #70 - Local Law #1/2003 – Senior Veterans Tax Exemptions**

On a motion by Councilman Ruthven

Seconded by Councilwoman Campbell

WHEREAS, a local law to amend Town Code Chapter 67 entitled “Taxation”, to amend the senior citizen tax exemption, the disability exemption and exemptions for qualified members of the fire department and ambulance corps was introduced as Introductory Local Law # 1 (the “Local Law”) of the year 2023 before the Town Board of the Town of Kent on January 17, 2023; and

 WHEREAS, the public hearing was opened on February 7, 2023 and the public was invited to attend and be heard on the matter;

 NOW THEREFORE, BE IT RESOLVED, that Introductory Local Law #1 of 2023 is hereby enacted by the Town Board of the Town of Kent as Local Law 1 of 2023 of the Town of Kent, and

 BE IT FURTHER RESOLVED, that a true copy of the law is attached hereto and made a part hereof.

Motion carried unanimously

TOWN OF KENT

AMENDMENT TO

CHAPTER 67

OF THE KENT TOWN CODE

 BE IT ENACTED by the Town Board of the Town of Kent, Putnam County, New York, as follows:

 Section 1. Chapter 67, entitled “Taxation” Article I, entitled “Senior Citizen Tax Exemption” Subsection 67-2 and Subsection 67-3.1, Article V, entitled “Exemptions for Persons With Disabilities and Limited Income” Subsection 67-14, Subsection 67-15 and Subsection 67-17, and Article VI, entitled “Exemption for Qualified Members of Volunteer Fire Departments and Ambulance Corps.”, shall be amended as follows:

§ 67-2 Application; income limits.

1. All of the provisions, conditions and requirements of § 467 of the Real Property Tax Law and § 467-b, Subdivision 3a, of the Real Property Tax Law and § 467-c, Subdivision 1d, of the Real Property Tax Law and amendments thereto shall apply to the applications for and the granting of such an exemption on the assessment roll of the Town of Kent, except that no exemption shall be granted if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the **$48,400 for the year 2023; $53,400 for the year 2024; and $58,400 or the year 2025**. ~~the sum of$37,400~~.

[B.](https://ecode360.com/8322645#8322645)Real property owned by persons 65 years of age or over shall be exempt from certain town taxes up to a minimum of 50% of the assessed valuation pursuant to the following schedule:

1. **For the Assessment Roll Year 2023**

|  | **Annual Income** | **Percentage of Assessed Value Exempt from Taxation** |
| --- | --- | --- |
|  | ~~$29,000 or less~~ **$40,000 or less** | 50% |
|  | ~~$29,000 to $30,000~~**$40,001 to $41,000** | 45% |
|  | ~~$30,000 to $31,000~~**$41,001 to $42,000** | 40% |
|  | ~~$ 31,000 to $32,000~~ **$42,001 to $43,000** | 35% |
|  | ~~$32,000 to $32,900~~**$43,001 to $43,900** | 30% |
|  | ~~$32,900 to $33,800~~**$43,901 to $44,800** | 25% |
|  | ~~$33,800 to $34,700~~**$44,801 to $45,700** | 20% |
|  | ~~$34,700 to $35,600~~**$45,701 to $46,600** | 15% |
|  | ~~$35,600 to $36,500~~**$46,601 to $47,500** | 10% |
|  | ~~$36,500 to $37,400~~**$47,501 to $48,400** | 5% |

1. **For the Assessment Roll Year 2024**

 **Percentage of Assessed Value Exempt**

 **Annual Income from Taxation**

 **$45,000 or less 50%**

 **$45,001 to $46,000 45%**

 **$46,001 to $47,000 40%**

 **$47,001 to $48,000 35%**

 **$48,001 to $48,900 30%**

 **$48,901 to $49,800 25%**

 **$49,801 to $50,700 20%**

 **$50,701 to $51,600 15%**

 **$51,601 to $52,500 10%**

 **$52,501 to $53,400 5%**

1. **For the Assessment Roll Year 2025**

  **Percentage of Assessed Value Exempt**

 **Annual Income from Taxation**

 **$50,000 or less 50%**

 **$50,001 to $51,000 45%**

 **$51,001 to $52,000 40%**

 **$52,001 to $53,000 35%**

 **$53,001 to $53,900 30%**

 **$53,901 to $54,800 25%**

 **$54,801 to $55,700 20%**

 **$55,701 to $56,600 15%**

 **$56,601 to $57,500 10%**

 **$57,501 to $58,400 5%**

|  |
| --- |
|  |

[**C.**](https://ecode360.com/8322646#8322646)The income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption from all sources, as set forth in §§ 467 and 467-b, Subdivision 3a, of the Real Property Tax Law and § 467-c, Subdivision 1d, of the Real Property Tax Law, must not exceed**$48,400 for the year 2023; $53,400 for the year 2024; and $58,400 or the year 2025.** ~~$48,399~~. "Income Tax Year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return or, if no such return is filed, in the calendar year. When title is vested in either husband or wife, the combined income of both may not exceed such sum.

[**D.**](https://ecode360.com/8322647#8322647)This article shall apply to the assessment roll as follows:**for §67-2(B)(1) commencing for the year 2023 and for the taxable year 2023/2024; for §67-2(B)(2) commencing for the year 2024 and for the taxable year 2024/2025; and for §67-2(B)(3) commencing for the year 2025 and for the taxable year 2025/2026.** ~~commencing for the year 2009 and for the taxable year 2009/2010.~~

[**E**](https://ecode360.com/13240505#13240505)This article shall take effect immediately.

§67-3.1 Amending eligibility requirements.

The Town Board may amend the schedule set forth in ~~§184-2(B)~~§67-2(B), by resolution, following a duly noticed public hearing.

§67-14 [Amount of exemption.](https://ecode360.com/8322674#8322674)

[A.](https://ecode360.com/8322675#8322675) Pursuant to RPTL, § 459-c, real property owned by persons with disabilities shall be exempt from certain Town real property taxes up to a maximum 50% of the assessed valuation pursuant to the following schedule:

**(1) For the Assessment Roll Year 2023**

|  | **Annual Income** | **Percentage of Assessed Value Exempt from Taxation** |
| --- | --- | --- |
|  | ~~$29,000 or less~~ **$40,000 or less** | 50% |
|  | ~~$29,000 to $30,000~~**$40,001 to $41,000** | 45% |
|  | ~~$30,000 to $31,000~~**$41,001 to $42,000** | 40% |
|  | ~~$ 31,000 to $32,000~~ **$42,001 to $43,000** | 35% |
|  | ~~$32,000 to $32,900~~**$43,001 to $43,900** | 30% |
|  | ~~$32,900 to $33,800~~**$43,901 to $44,800** | 25% |
|  | ~~$33,800 to $34,700~~**$44,801 to $45,700** | 20% |
|  | ~~$34,700 to $35,600~~**$45,701 to $46,600** | 15% |
|  | ~~$35,600 to $36,500~~**$46,601 to $47,500** | 10% |
|  | ~~$36,500 to $37,400~~**$47,501 to $48,400** | 5% |

**(2) For the Assessment Roll Year 2024**

 **Percentage of Assessed Value Exempt**

 **Annual Income from Taxation**

 **$45,000 or less 50%**

 **$45,001 to $46,000 45%**

 **$46,001 to $47,000 40%**

 **$47,001 to $48,000 35%**

 **$48,001 to $48,900 30%**

 **$48,901 to $49,800 25%**

 **$49,801 to $50,700 20%**

 **$50,701 to $51,600 15%**

 **$51,601 to $52,500 10%**

 **$52,501 to $53,400 5%**

**(3) For the Assessment Roll Year 2025**

  **Percentage of Assessed Value Exempt**

 **Annual Income from Taxation**

 **$50,000 or less 50%**

 **$50,001 to $51,000 45%**

 **$51,001 to $52,000 40%**

 **$52,001 to $53,000 35%**

 **$53,001 to $53,900 30%**

 **$53,901 to $54,800 25%**

 **$54,801 to $55,700 20%**

 **$55,701 to $56,600 15%**

 **$56,601 to $57,500 10%**

 **$57,501 to $58,400 5%**

[B.](https://ecode360.com/8322676#8322676) Any exemption provided by this article shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed; provided, however, that no parcel may receive an exemption for the same municipal tax purpose pursuant to both this article and § 467 of the Real Property Tax Law.

[§ 67-15 Exceptions.](https://ecode360.com/8322674#8322677)

No exemption shall be granted:

[A.](https://ecode360.com/8322678#8322678) If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of ~~$37,400~~**$48,400 for the year 2023; $53,400 for the year 2024; and $58,400 or the year 2025.**. "Income tax year" shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance, if the governing board of a municipality, after a public hearing, adopts a local law, ordinance or resolution providing therefor. In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear or real or personal property held for the production of income;

§ 67-17 Effective Date.

This local law shall take effective immediately and shall ~~first apply to the 2009 assessment roll and to the taxable year to which the taxable status date for such year is applicable (i.e., 2009/2010)~~ **apply to the assessment roll as follows: for §67-14(A)(1) commencing for the year 2023 and for the taxable year 2023/2024; for §67-14(A)(2) commencing for the year 2024 and for the taxable year 2024/2025; and for §67-14(A)(3) commencing for the year 2025 and for the taxable year 2025/2026**

Article VI Exemption for Qualified Members of Volunteer Fire Departments and Ambulance Corps

 § 67-18 Legislative intent.

~~Chapter 428 of the Laws of 2002 added a new § 466-c to the Real Property Tax Law to provide a 10% real property tax exemption for qualified members of volunteer fire departments and ambulance corps in the Town of Kent. Members of volunteer fire departments and ambulance corps provide valuable services to the people of the Town of Kent. In order to be certified and recertified, such volunteers must undertake numerous hours of training on their own time and frequently at their own expense. The purpose of this exemption is to maintain the ranks of the volunteer corps and encourage to join. The enabling legislation enacted by the state legislature requires that localities must adopt a local law in order to afford those volunteers such exemption.~~

Chapter 670 of the Laws of 2022 added a new section 466-a to the Real Property Tax Law, repealing prior sections 466-a through 466-k, though continuing the exemption provided therein. New section 466-a provides a real property tax exemption of 10% for qualified members of volunteer fire departments and ambulance corps statewide, subject to adoption by individual municipalities. Members of volunteer fire departments and ambulance corps provide valuable services to the people of Kent. In order to be certified and recertified, such volunteers must undertake numerous hours of training on their own time and frequently at their own expense. The purpose of this exemption is to maintain the ranks of the volunteer corps and encourage volunteers to join. The enabling legislation enacted by the State Legislature requires that localities must adopt a local law in order to afford those volunteers such exemption.

§67-19[~~Definitions.~~](https://ecode360.com/8322686#8322688)

~~As used in this article, the following terms shall have the meaning indicated:~~

[~~QUALIFIED MEMBERS~~](https://ecode360.com/8322689#8322689)

~~An individual who has been an active and enrolled member of a volunteer fire department and/or ambulance service of the Town of Kent for five of the last 10 years prior to submitting an application for tax exemption and has obtained a certificate from such organization certifying to such membership. When certifying that a member is qualified, the organization must find that the member has been active and enrolled for at least one year prior to the time that the application for exemption is filed. Futhermore, the organization must certify that the member has been active in the organization during five of the last 10 years.~~

[~~TAX EXEMPTION~~](https://ecode360.com/8322690#8322690)

~~Ten percent of the assessed value of the real property constituting the applicant's primary residence for Town purposed exclusive of special assessments; which exemption shall not exceed $3,000 multiplied by the latest equalization rate available for the assessing unit in which such real property is located.~~

Requirements.

Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service residing in such Town unless:

A. The applicant resides in the city, town, or village which is served by such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service;

B. The property is the primary residence of the applicant;

C. The property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant’s residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section;

D. The applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or voluntary ambulance service as an enrolled member of such incorporated volunteer fire company, fire department, or voluntary ambulance service for a period of five years of service; and

E. The applicant must file a certificate from his or her qualifying organization that he or she is an enrolled member. Such certification of membership must certify that the member received credit under a service award program defined by Article 11- A, 11-AA, 11-AAA, or 11-AAAA of the General Municipal Law for the period of service claimed in the application.

§67-20 Lifetime exemption.

Any enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such the Town of Kent.

§ 67-20 Spousal exemption where member is killed in the line of duty.

Un-remarried spouses of volunteer firefighters or volunteer ambulance workers killed in the line of duty. An exemption granted under this chapter shall be continued, and a preexisting exemption shall be reinstated, where the exemption was previously claimed by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service, to such deceased enrolled member's un-remarried spouse if such member is killed in the line of duty; provided, however, that:

A. Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service who was killed in the line of duty;

B. Such deceased volunteer had been an enrolled member for at least five years; and

C. Such deceased volunteer had been receiving the exemption prior to his or her death.

§ 67-21 Spousal exemption where member is deceased.

Un-remarried spouses of deceased volunteer firefighters or volunteer ambulance workers. An exemption granted under this chapter shall be continued, and a pre-existing exemption shall be reinstated, to an un-remarried spouse of a deceased enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; provided, however, that:

A. Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of a deceased enrolled member of such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service;

B. Such deceased volunteer had been an enrolled member for at least twenty years;

C. Such deceased volunteer and un-remarried spouse had been receiving the exemption for such property prior to the death of such volunteer.

§ 67-22 Application for exemption.

A. Application for such exemption, along with the certificate of membership defined above, shall be filed with the Kent Town Assessor on or before the taxable status date on a form as prescribed by the Commissioner of the Office of Real Property Tax Services.

B. Certification shall be required for any period of time claimed by an applicant that is not already on file with the Kent Town Assessor.

C. The assessor shall review the application and certification to ensure they have satisfied the requirements of this law.

§ 67-23 Continuation of exemption.

No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section. Any exemption under Article VI of Chapter 67 as added by L.L. No. 1 of 2003 shall be considered the same and equivalent to the exemption available under this article.

Section 2. Severability.

 If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstance, and the Town Board of the Town of Kent hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 3: Effective Date.

 This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Dated: February 7, 2023

 BY THE ORDER OF THE TOWN BOARD

TOWN OF KENT

**Resolution #71 - Open Public Hearing – Mining Moratorium Extension**

On a motion by Supervisor McGlasson

Seconded by Councilwoman Campbell

Resolved: The Public Hearing on the Mining Moratorium Extension was opened.

Motion carried unanimously

**Public Hearing**

Town Counsel Tagliafierro explained this is another extension of the moratorium on mining permits we have in the town. She said we are working diligently towards having a final version of a new law. It will be the last extension of time and hopefully will be able to consider a new law within a few months. Councilman Ruthven said it is disappointing that we have not gotten this done by this point but understands we need to get it right and more needs to be worked on.

Sue Kotzur said the town has it listed as a mining moratorium the Planning Board has it listed as an excavation law, what is the difference or are they the same. Councilman Ruthven said when it is all said and done the law is going to be an excavation law. We have been generically calling it a mining law. Mr. Steven O’Connor`a 60 year resident of Putnam, 32 years in Kent prior to that he lived in Mahopac in Carmel. He watched his mother the Chairwoman of the Carmel Planning Board create good, proper industrial tax base. He said people can raise their families without outrageous taxes, in Kent the taxes are outrageous, we have no planning scheme to bring in industrial development to reduce the taxes in town. We have opportunity with land and natural resources for development, low taxes and jobs. He said if you can afford to live here, the taxes are staggering for a young family. He said you talk of mining there hasn’t been a mining operation in Putnam County for 150 years. Tilly Foster, the mines in Mahopac Falls, those are mines. He said what happen here on Route 52 was a quarry operation. A quarry operation takes rock and crushes it into small aggregate and sells it. We live in a town if you need asphalt you must drive to Carmel at a plant located next to a NYC reservoir, watched and monitored by them. He suggested watching the operation and the inspections they undergo. He said the aggregate comes from Peckham quarry in Dutchess County not a mine. He said day in and day out they truck through the Town of Kent. He said the tax dollars that can come to this town and county we give away to other countys because of fear mongering about mining. He said it is exclusionary zoning tactic to scare people with the term mining. When they hear mining they think their well will be contaminated, the air polluted, the noise. He said when a contractor needs gravel he has to go to another county we do not receive sales tax or property tax. He said it is foolish to tell people you cannot take a hillside and make it flat ground so that we can put business on there and get tax revenue so people can afford to live here, afford to give our police officers raises, buy new equipment for our fire department because we have a tax base and now we don’t have one and need one bad. There were no further comments or questions.

**Resolution #72 - Close Public Hearing – Mining Moratorium Extension**

On a motion by Councilman Ruthven

Seconded by Councilman Tompuri

Resolved: The Public Hearing on the Mining Moratorium Extension was closed.

Motion carried unanimously

**Resolution #73 – Local Law #2/2023 – Extending a Temporary Land Use Moratorium**

On a motion by Councilman Ruthven

Seconded by Supervisor McGlasson

 WHEREAS, a local law Extending A Temporary Land Use Moratorium Prohibiting Mining within the Town of Kent was introduced as Introductory Local Law # 2 (the “Local Law”) of the year 2023 before the Town Board of the Town of Kent on January 17, 2023; and

 WHEREAS, the Local Law determines that adoption of the local law constitutes a Type II action pursuant to the State Quality Environmental Review Act (“SEQRA”) and therefore requires no further review under SEQRA;

 WHEREAS, the public hearing was opened on February 7, 2023 and the public was invited to attend and be heard on the matter;

 NOW THEREFORE, BE IT RESOLVED, that Introductory Local Law #2 of 2023 is hereby enacted by the Town Board of the Town of Kent as Local Law 2 of 2023 of the Town of Kent, and

 BE IT FURTHER RESOLVED, that a true copy of the law is attached hereto and made a part hereof.

Motion carried unanimously

TOWN OF KENT LOCAL LAW NO.2 of 2023

A LOCAL LAW EXTENDING A TEMPORARY LAND USE MORATORIUM
PROHIBITING MINING WITHIN THE TOWN OF KENT

 BE IT ENACTED by the Town Board of the Town of Kent, Putnam County, New York, as follows:

 Section 1. Legislative Intent.

 This local law is intended to extend the temporary prohibition on the issuance of permits for the excavation of sand, gravel, topsoil, rock or other natural material within the Town of Kent, for an additional period of up to six (6) months, pending the further development and adoption of local laws and/or ordinances prepared to regulate and govern such excavation.

 By resolution dated March 3, 2020 the Town Board adopted Local Law #1 of 2020 temporarily prohibiting the issuance of permits for the excavation of sand, gravel, topsoil and rock or other natural material within the Town of Kent for a period of six (6) months from the effective date of said Local Law #1 of 2020.

 On March 7, 2020, Governor Andrew Cuomo issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York due to the COVID-19 pandemic. The COVID-19 Pandemic is an outbreak declared a “public health emergency” for the entire United States by the United State Health and Human Services Secretary on or about January 31, 2020. Further, by Executive Order effective as of March 22, 2020, Governor Cuomo instituted “NY PAUSE” which closed all non-essential businesses and prohibited non-essential gatherings of individuals of any size for any reason, with such operations being reopened in phases. Although Town government was deemed an essential business, the pandemic itself and NY PAUSE presented numerous other, more pressing, challenges for the Town Board.

 Due to the mandatory restrictions instituted by NY PAUSE and for the health and safety of residents, guests, and employees of the Town, the Town Board deemed it necessary to enact four six (6) month extensions on the moratorium by Resolution dated September 1, 2020,March 2, 2021, August 3, 2021 and February 15, 2022, and August 17, 2022. Said extension expires on February 17, 2023. The Town has diligently worked to draft suitable legislation for proper and authorized regulation of mining, however, due to the ongoing limitations and restrictions caused by the COVID-19 pandemic, it is deemed necessary to enact this additional six (6) month extension of the moratorium in order to permit the Town Board adequate time in which to draft suitable legislation to address mining within the Town of Kent. During the term of the extended moratorium, the Town of Kent shall work to prepare and eventually adopt additional land use provisions and regulatory processes to provide for the benefit, health and general welfare of the residents of the Town of Kent.

 The objective of this moratorium is to allow the Town of Kent to assess and address its Code to promote community planning values by properly regulating such excavation. During the pendency of the moratorium, the Town Board will consider how best to permit excavation in certain areas so as to harmoniously integrate such with the existing community and landscape. Moratoria are useful in controlling or temporarily inhibiting development until satisfactory final regulations are adopted.

 For these reasons, the Town Board finds that an extension of the temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to further develop and adopt necessary zoning and land use changes to the Kent Town Code, thus protecting and furthering the public interest, health and safety.

 Section 2. Scope of Moratorium.

 There is hereby adopted in the Town of Kent a moratorium on the consideration, receipt or grant of temporary permits, pursuant to Chapter 63 of the Town of Kent Town Code entitled “Soil Removal”, for the excavation of sand, gravel, topsoil, rock or other natural materials for an additional six (6) month period commencing on the effective date hereof.

 During the term of the moratorium, the Town Board intends to develop, consider and adopt changes to its land use local laws so as to regulate Soil Removal and ensure that any mining conducted within the Town is consistent with the terms and goals of the Town’s Comprehensive Plan.

 While the moratorium is in effect, no applications pursuant to Chapter 63 shall be accepted and no temporary permits issued or approvals given by the Town Board except as authorized pursuant to Section 3, below.

 Section 3. Exemptions, Variances and Appeals.

 This moratorium does not apply to residential activities requiring permits on residential properties.

 Applications for land use otherwise subject to this moratorium may be exempted from the provisions of this Local Law following a noticed public hearing before the Town Board. It is specifically intended that this moratorium shall supersede New York State law which would otherwise confer variance applications exclusively to the zoning board of appeals.

 Following a written request for hardship variance relief, within sixty (60) days of receipt of such request, a noticed public hearing shall be held, at which hearing the Town Board may, but is not limited to consider:

 A. The proximity of applicant’s premises or the subject of applicant’s request for relief to natural resources, including but not limited to prime agricultural soils, wetland areas, conservation districts and other areas of environmental concern.

 B. The impact of the proposed application on the applicant’s premises and upon the surrounding area.

 C. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its effect upon aesthetic resources of the community.

 D. Compatibility of the proposed application with the recommendations of any administrative body charged with such review by the Town of Kent.

 E. The written opinion of the Town of Kent Planning Board and the Town of Kent Code Enforcement Officer that such application may be jeopardized or made impractical by waiting until the moratorium is expired.

 F. Evidence specifying in detail the nature and level of any alleged hardship imposed on the property owner(s) as a result of this moratorium.

 G. Such other considerations and issues as may be raised by the Town Board.

 In making a determination concerning a proposed exemption or grant of relief from application of the moratorium, the Town Board may obtain and consider reports and information from any source it deems to be helpful with review of said application. A grant of relief from application of the moratorium shall include a determination of unreasonable hardship upon the property owner (or if there are multiple property owners, a determination that each such owner shall suffer an unreasonable hardship) which is unique to the property owner(s), a finding that there are sufficient existing regulations to adequately govern the application for which a hardship waiver is being requested, and a finding that the grant of an exemption will be in harmony with, and will be consistent with the existing Town of Kent Zoning Ordinance and the recommendations of the Comprehensive Plan as such may exist.

 An application for relief from the prohibitions of the moratorium shall be accompanied by a fee as set forth by resolution of the Town Board, together with the applicant’s written undertaking, in a form to be approved by the Attorney for the Town, to pay all of the expenses of the Town Board and any agent or consultant retained by the Town Board to evaluate and consider the merits of such application, including but not limited to any fees incurred by the Town for services provided by the Attorney for the Town.

 Section 4. Penalties.

 A. Failure to comply with any of the provisions of this Local Law shall be an unclassified misdemeanor as contemplated by Article 10 and Section 80.05 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of not more than One Thousand Dollars ($1,000) or imprisonment for not more than 10 days, or both for the first offense. Any subsequent offense within a three-month period shall be punishable by a fine of not more than Two Thousand Dollars ($2,000) or imprisonment for a period of not more than 30 days, or both. For purposes of this Clause A, each day that a violation of this Local Law exists shall constitute a separate and distinct offense.

 B. Compliance with this Local Law may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction, in an action brought on behalf of the Town by the Town Board.

 C. In the event the Town is required to take legal action to enforce this Local Law, the violator will be responsible for any and all costs incurred by the Town relative thereto, including but not limited to attorney’s fees, and such amount shall be determined and assessed by the court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the propert(ies) within the Town on which the violation occurred, by including such expense in the next annual Town tax levy against such property, and such expense shall be a lien upon such property until paid.

 Section 5. Application.

 The provisions of this local law shall apply to all real property within the Town of Kent, and all applications for the excavation of sand, gravel, topsoil, rock or other natural materials pursuant to Chapter 63 of the Town Code.

 Section 6. Conflicts with State Statutes and Local Laws and Authority to Supersede.

 To the extent that any provisions of this local law are in conflict with or are construed as inconsistent with the provisions of the New York State Town Law or any local ordinance, law, or regulation, this local law supersedes, amends, and takes precedence over the Town Law and such local ordinances, laws or regulations, pursuant to the Town’s municipal home rule powers pursuant to Municipal Home Rule Law § 10 and § 22 to supersede any inconsistent authority. Pursuant to the same powers, and without limiting the generality of the foregoing, this local law supersedes the provisions contained in (a) Article 8 of the Environmental Conservation Law (known as the State Environmental Quality Review Act) and the regulations there under to the extent that such provisions require that an agency determine the environmental significance of an application within certain specified timeframes; and (b) Town Law § 267 and § 267-a through c, pertaining to the variance authority of the board of zoning and appeals.

 Section 7. Validity and Severability.

 If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstance, and the Town Board of the Town of Kent hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

 Section 8. SEQRA Review.

 The adoption of a moratorium constitutes a Type II action under 6 NYCRR Part 617, and

Therefore requires no further review under the State Environmental Quality Review Act (SEQRA).

Section 8. Effective Date.

 This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and shall remain in force for a consecutive period of six (6) months from its effective date, unless extended by local law adopted after public hearing upon no less than five (5) days public notice.

Dated: February 7, 2023

 BY THE ORDER OF THE TOWN BOARD OF

 THE TOWN OF KENT

**Lake Carmel Community Center**

Councilman Ruthven said there are a lot of problems with the LCCC as it sits, there is flood damage, black mold, asbestos on the floor, pipes etc. A decision has to be made we are beginning the steps for remediation concerning the environmental issues inside the building. A decision will have to be made whether it is worth saving or if it should be replaced with a modern structure ADA compliant with no environmental issues. Kathy Doherty asked if we already know there is asbestos why we hiring someone. Councilman Ruthven replied before it could be remedied an official test has to be done. Kathy Doherty said she was the Chairperson who brought this forward for a referendum to purchase the building. She knows it means a lot to Lake Carmel but she would like to see it taken down because so much work needs to be done, they have tried to rehab bathrooms etc. it’s not working. She said it was an income venue for parties etc. Pat Ravert, Chairperson for the LCCC has been waiting to hear from the board about the costs. They know asbestos is present, some floor tile is not based upon the size of them. This facility was purchased and run for the benefit of those within the Lake Carmel Park District and the board needs to know what Park District residents want. She said if it is removed she requested it be built in a similar foot print and we remember our neighbors. She receives request all the time to rent it, this has been going on a long time, in 2018 a tornado came through and damage done by trees. Many board members would like to keep it the same. She said she cannot make a decision until she sees numbers. She is aware of a sinking wall, another section of wall infested with powder post beetles which has been resolved. She is aware of other items, money was put aside but was halted from previous administration. Councilman Ruthven said a settlement was received from the water damage from the insurance company, it’s not substantial but it is something. There is a budget earmarked for the community center. Pat said it is a historical building, it is not ADA compliant as it pre-exisits. She said there are many items if taken down they would like to preserve like a stain glass window, etc. She did suggest a commercial kitchen which could not be done in the present building. Councilman Ruthven explained they want to begin with hiring the company for the asbestos inspection and testing and then removal. It has to be done whether we keep the building or demo the building. He said once the asbestos is removed we can see what we have, electric etc. He knows there are environmental issues, structural issues, he does not see remediation as the economical choice. Pat said as much as the board would like to see the building remain they are realistic but they need to see the numbers. Bob Schwartz Board member would like to see a resolution one way or another, he would love to keep it, but will do what is best as soon as possible. Bob Ulich asked if there is going to be direct input from the board. Councilman Ruthven replied there hasn’t been any functions to warrant a board. Bob asked what the next step, how will residents voice their opinion he asked for a survey to be sent to residents with numbers to better understand their choices and opportunities. Councilman Ruthven replied yes. Supervisor McGlasson said she receives weekly calls from residents in the vicinity of the center asking when it will be taken down. Bob said he understands it can go both ways. Councilman Ruthven said they will deal with the asbestos either way and within that time they can hold public workshops and outreach. They talked about putting a bid out there both ways to have a solid number. Bob asked if there is potential for the old town hall and the community center to work together especially with funding etc. Supervisor McGlasson replied one is a town building the other belonging to Lake Carmel residents.

**Resolution #74 - Asbestos Inspection and Testing for Lake Carmel Community Center**

On a motion by Councilman Ruthven

Seconded by Councilman Tompuri

Resolved: Adelaide Environmental Health is authorized to test for asbestos at the Lake Carmel Community Center not to exceed $7,000.

Motion carried unanimously

**Resolution #75 - Authorizing Acceptance of Quotes for Generator Repair for Highway, Town Hall & Police Department**

On a motion by Councilman Tompuri

Seconded by Councilman Ruthven

**WHEREAS**, the generators servicing the Highway Department, Town Hall and Police Department are in need of repair, and the Town Board of the Town of Kent is in receipt of two quotes from GenServe, Inc., to perform such repairs, in accordance with the service contracts between GenServe and the Town; and

**WHEREAS**, GenServe has proposed the cost to repair the generators to be $2,153.84 and $3,911.85; and

**NOW THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Kent hereby accepts the quotes of GenServe for a total cost not to exceed $6,065.69; and it is

 **FURTHER RESOLVED**, that the Town Board of the Town of Kent hereby authorizes and directs the Supervisor to execute any and all documents necessary to give effect to this resolution.

Motion carried unanimously

**Resolution #76 - Acceptance of Quote for Carpeting for Town Justice Court Conference Room**

On a motion by Councilman Boyd

Seconded by Councilman Ruthven

 WHEREAS, in accordance with the Town’s Procurement Policy, the Town requested quotes for carpeting for the conference room of Town of Kent Justice Court (the “Court Offices”), and received one quote in response; and

 WHEREAS, Sam’s Floor Covering of Mahopac (the “Corporation”) has submitted the sole and therefore lowest quote for the removal and carpeting of the Court conference room at the cost of $610.35;

 WHEREAS, the Town Board of the Town of Kent wishes to accept the quote of the Corporation of $610.35.

 NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the quote of Sam’s Floor Covering of a cost of $610.35; and

 BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Supervisor to execute any and all documents necessary to give effect to this resolution.

Motion carried unanimously

**Resolution #77 - Authorizing Hiring of Barton & Loguidice Community Center Renovation Study**

On a motion by Councilman Campbell

Seconded by Councilman Tompuri

**WHEREAS**, the Town Board of the Town of Kent believes it is in the best interest of the Town to obtain a study on the feasibility of renovating the former Town Hall into a Community Center for the Town; and

**WHEREAS**, the Town Board is in receipt of a proposal from Barton & Loguidice to provide the study for a total cost of $15,500, a copy of which proposal is annexed hereto; and

**WHEREAS,** by Resolution #370 dated December 15, 2020Barton and Loguidice was awarded the bid to provided engineering services to the Town of Kent for a three year term; and

**WHEREAS,** the Town Board wishes to accept the proposal;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Kent hereby accepts the quote of Barton and Loguidice to conduct a renovation study for a community center at the old Town Hall for a cost not to exceed $15,500 consistent with the annexed proposal.

Motion carried unanimously

**Resolution #78 - Regarding Approval of Revised Service Awards Program Lake Carmel Fire Department**

On a motion by Councilman Tompuri

Seconded by Councilman Ruthven

WHEREAS, the Town of Kent is in receipt of a proposed Resolution for the Service Awards Program for Lake Carmel Fire Department describing a revised Service Awards Program, a copy of which is annexed hereto and made a part hereof; and

WHEREAS, the Lake Carmel Fire Department has requested that the Town Board approve the revised service awards program as set forth in the proposed resolution;

 NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves the revised Service Award Program for the Lake Carmel Fire Department as annexed; and

 BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Supervisor to execute any and all documents necessary to give effect to this resolution.

Motion carried unanimously

**Resolution #79 Accept Quote for Handicap Door Operators Town Hall**

On a motion by Councilman Tompuri

Seconded by Councilman Ruthven

 **WHEREAS**, the Town of Kent is in need of handicap door operators for the Town Hall; and

 **WHEREAS,** the Town Board is in receipt of a quote from Door Control Inc., the sole provider of the service in the area, to provide and install the necessary equipment for a total cost of $4,972;

 **NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts the quote of Door Control Inc. to provide the equipment for a price not to exceed $4,972; and

 **BE IT FURTHER RESOLVED**, that the Town Supervisor is hereby authorized and directed to execute any and all agreements and other documents necessary to give effect to this Resolution, consistent with the terms hereof, all in form satisfactory to the Supervisor and the Town Attorney, if requested.

Motion carried unanimously

**Resolution #80 - Approve Memorandum of Understanding with Putnam County Office of Information Technology and GIS**

On a motion by Councilwoman Campbell

Seconded by Councilman Ruthven

 **WHEREAS**, the Town of Kent is in receipt of a Memorandum of Agreement (the “Agreement”) dated December 15, 2022 with Putnam County by and through the Putnam County Office of Information Technology and GIS (the “County”) by which the County would provide necessary radio equipment (the “Equipment”) to the Kent Police Department, a copy of which is annexed hereto and hereby incorporated herein; and

**WHEREAS**, the Town and the County wish to enter the Agreement to provide for the continued use of the Equipment by Kent Police;

 **NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby approve the Agreement; and

 **BE IF FURTHER RESOLVED,** that the Town Board of the Town of Kent authorizes the Town Supervisor to execute the attached Agreement and any other documents necessary to give effect to this Resolution, in a form satisfactory to the Town Supervisor and the Town Attorney; and

 **BE IT FURTHER RESOLVED,** that the Town Board of the Town of Kent hereby approves and ratifies all acts heretofore taken by the Town Board, Town Supervisor and any and all Town Officials in connection with the subject agreement.

Motion carried unanimously

**Resolution #81 - Approval of Vouchers and Claims**

On a motion by Councilman Ruthven

Seconded by Councilman Tompuri

Resolved: All Vouchers #200166371 - #200166612 and claims submitted by:

1. Barton & Loguidice DPC $13,223.43 Lake Louise Drive Culvert
2. Cemco Water $8,224.70 Water District #1 Mapping
3. City Carting $7,663.70 Lake Carmel Garbage

$8,665.70

$6,800.23

$10,945.50

1. Edmunds Gov. Tech $4,931.64 Building: Annual Software Maintenance
2. Genserve $5,115.00 Generators Annual Maintenance
3. Global Montello Group $2,890.93 Gas

$5,191.66 Diesel

1. Hogan, Rossi & Liguori $5,416.63 Legal Services: February
2. Lake Carmel Fire Dept. $952,202.00 2023 Budget
3. Lawton Adams Material $2,568.00 Dumping Concrete/Blacktop
4. MobileTec $31,944.00 Police: Annual Maintenance Support
5. NYSEG $2,547.49 Electric: Ryan’s Field Lights
6. Ringsquared $3,454.31 Telephone Service
7. Laura Roberts $2,205.00 Prosecutor: January

In the amount of $1,146,537.17

**2022 VOUCHERS**

1. Allegiance Trucks $4,883.39 Truck Parts
2. Morton Salt $30,605.97 Road Salt
3. Solitude Lake Management $12,000.00 Lake Tibet
4. State Comptroller $33,184.25 Justice Court Fines & Fees: December
5. Town of Kent Municipal Repairs $2,522.45 Chargeback: Police

$13,810.28 Chargebacks: Highway

In the amount of $112,667.07 can be paid.

Motion carried unanimously

**Announcements**

-February 25, the Carmel Rotary is having a Community Basketball Challenge for information call 845-225-2122 or visit CarmelRotary.org and click on challenge for information.

-Congratulations to Sergeant Vanderwoude who obtained a grant from the National Police Institute. It’s approximately a $100k to reduce crime in rural communities for equipment and salary.

-February 24, the Danbury Hatriks are hosting a Town of Kent night as they take on the Prowlers. The game starts at 7:30 p.m. Special group rate for residents in section 100 use code Kent23 when purchasing tickets. Information is available also on the website and Recreation page.

- Councilman Tompuri and Supervisor McGlasson spoke to Senator Matt Slater about paving State road Route 52. He and Senator Harckhan have met with the NYSDOT and are trying to get it repaved. As a community we can email both senators or call 1-800-Pot-hole to complain about the roads.

- The Kent Library on Wednesday is having Paws to Read starting tomorrow. You can read to Sonny Boy. Mystery Date with a book, receive a wrapped book, read it and let them know how you liked it. On Wednesday February 22 you can make a bird feeder. Through the end of this week you can make a Valentine for Senior Citizens and pick up the material at the library or bring your own.

-On March 1st at 6:00 at the Kent Library there will be a talk about the history of Daniel Nimham

-Councilman Boyd thanked the local Firefighters who were here this evening. He said they are always looking for volunteers.

**Public Comment**

-A resident stated she was here in December expressing concerns about PFAS in the drinking water. She requested that the water be tested at the Old Town Hall, Arts on the Lake and the Lake Carmel Community Center. She has sent letter to the Fire Department and the town and has not received a reply. Supervisor McGlasson said the Water Districts that have PFAS are listed on the town website. She met with Barton & Loguidice they are advising the district what needs to be done or added to have it removed. Councilman Ruthven said the pumps are not on at the Old Town Hall or the Community Center. A discussion took place about collecting data to find the source, the Putnam County Health Dept, the State will not test. The board agreed to test the water at Arts on the Lake.

**Resolution #82 - Adjourn to Executive Session**

On a motion by Councilman Ruthven

Seconded by Councilman Tompuri

Resolved: At 8:30 p.m. the Town Board adjourned to Executive Session to discuss contractual negotiations.

Motion carried unanimously

 **Resolution #83 - Adjournment**

On a motion by Councilman Ruthven

Seconded by Supervisor McGlasson

Resolved: The meeting of February 7, 2023 adjourned at 9:30 p.m.

Motion carried unanimously

Cordially submitted,

Yolanda D. Cappelli

Town Clerk