

## TOWN BOARD MEETING MARCH 7, 2023

A regular Town Board Meeting was held on Tuesday, March 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.

### **Resolution#97 Open Public Hearing Local Law "Building Administration and Construction"**

On the motion by Supervisor McGlasson

Seconded by Councilman Ruthven

Resolved: Public hearing for Local Law be opened at 7:03 p.m.

Motion carried unanimously

Building Inspector Walters discussed Chapter 27 changes. As of January 18, 2022 New York State adopted a new model code after 2020 and they asked after January 2022 until December 2022 for the towns to adopt it. We were working on it prior to that and we are a little late getting it done. There have been so many changes to the state model code that it is time for us to update our town code to reflect some of these changes. One of the biggest changes coming about has been a conflict for the town. It is the construct and installation of one story detached structures associated with one or two family dwellings and multiple single family dwellings, town houses which are using for tools and storage sheds, playhouses or similar uses that provides a gross floor area that does not exceed 144 square feet, 12 x 12. We have been inundated for at least ten years with small sheds. The Zoning Board is saying 8 x 10 or smaller does not need permits and can go anywhere within the setbacks. Because this section of the code didn't clarify sheds, it said playhouses. So now with this change here we don't have to worry about small sheds being on properties. It seems like almost every property has a small shed and it has been an issue and this will clarify it. There are a lot of definitions that have been added with this new code that are not in our current code. It also addresses any enlargement, alternation or replacement or relocation to any building systems. It clarifies what those building systems are, electrical, HVAC, plumbing, gas, mechanical and chimney vents. Anything that is within those systems would require a permit. Another thing that has changes is that each application for a building permit shall be accompanied by two sets of plans. There is an outline of what is required to submit your set of plans for a building permit. They were there before but it is better clarified now. Building permit fees has not changed. Construction inspection has an added chapter that deals with conservation code and energy code. The state is really going after the energy code. There is a section there that says there has to be special inspections dealing with the energy code compliance. Our current town code never addressed that. We have been addressing them ever since the state came out with the code but now it will be in our town code. We never addressed remote inspections during covid. Even prior to covid the state didn't have anything on remote inspections. In the new section since covid there is now a thing on how to do remote inspections. One of the things he is asking is that section 27-14 septic cesspools is that well permits be removed. Currently we haven't been collecting any fees for those permits, they are five dollars and ten dollars. All of those permits are reviewed and signed off and approved by the Board of Health. They are the ones that collect the fees and they do the final inspections on all of that. He would like to take that section out and leave chapter 27-14 in reserve. Leave it blank in case we need to add something later on we can add it in that spot. There is no change in stop work orders. We have added a couple new chapters, we added validity, climate and geographic design criteria. We have been doing it but it needs to be documented so someone can go to the town code and see what those designs are. One of the biggest things is chapter 27-31 conditions and assessment of parking garages. We do not have any for him to assess but if we do get a parking garage there is a whole procedure on how to assess the parking garage if it has a problem and might fail. In the near future he really believes we will have one with the growth. Hopefully along route 52 will have a parking issue and we'll have to have a parking garage. Most of that section is not done by the building department, it is done by engineers. The state doesn't tell us what fees have to be so we are still able to work with our own fees, there is no change there. Councilman Boyd asked a question regarding shed, is there a difference between a shed that has a foundation and one that does not that is movable. Building Inspector Walter stated that it doesn't matter, if it is held together with a fastening device, a screw or bolt it is a structure and you need a permit for it. If it is a Rubbermaid system and it snaps together those are temporary structures and you don't need a permit for it. Foundation or not it doesn't make a difference, it is a shelter and it is meant to protect humans or personal property. Councilman Ruthven asked if our fee schedule is up to date, do we need to address that sometime in the future. Building

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Inspector Walter stated that he thinks in the future we need to look at it. Our permit fees has not been addressed since 2017, the last time we updated the permit fees. So it is probably due. He thinks the fine schedules need to be upgraded in some categories in case we ever get to court and there is actually a fine issued. Right now they are pretty low and that is something we can address. Kathy Doherty asked about setbacks. Building Inspector Walters stated that if it doesn't need a permit than you don't have to worry about setbacks. We do have some permits out there for sheds so he would put out to the board that we close those permits out as they come due and not reissue any permits for smaller sheds, under 12 x 12.

### **Resolution#98 Close Public Hearing**

On the motion by Supervisor McGlasson

Seconded by Councilman Ruthven

Resolved: Public hearing be closed.

Motion carried unanimously

### **Roll Call**

Supervisor McGlasson- present

Councilman Tompuri- present

Councilwoman Campbell- present

Councilman Ruthven-present

Councilman Boyd - present

Also present: Deputy Town Clerk Louderback, Town Counsel Tagliafiero, Police Chief Owens, Building Inspector Walters, Recycling Chair Kotzur, Lake Carmel Park District Co-Chair Ulich, Climate Smart member Kathy Kahng, Planning Chairman German and member Carey and several members of general public.

### **Resolution#99 Adopting Local Law #3 of 2023 "Building Administration and Construction"**

On the motion by Councilman Tompuri

Seconded by Councilman Ruthven

Resolved: **WHEREAS**, a local law to amend Kent Town Code Chapter 27 entitled "Building Administration and Construction", was introduced as Introductory Local Law #3 (the "Local Law") of the year 2023 before the Town Board of the Town of Kent on February 21, 2023; and

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

**NOW THEREFORE, BE IT RESOLVED**, that Introductory Local Law #3 of 2023 is hereby enacted by the Town Board of the Town of Kent as Local Law #3 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

### **Resolution#100 Authorizing Purchase of Net for Recreation and Parks Department**

On the motion by Councilman Ruthven

Seconded by Councilman Tompuri

Resolved: **WHEREAS**, the Town Board has been advised that there is a need for a new net for the recreation and parks department;

**WHEREAS**, consistent with the Town's procurement policy, three companies were asked to provide quotes for the netting and the lowest quote received in response to the request was from National Sports Products in the amount of \$1,549.

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes the purchase of the nets from National Sports Products in the amount of \$1,549.

Motion carried unanimously

### **Resolution#101 Approving Agreement July 4 Ever Fireworks Inc. & Rocco Polifrone**

On the motion by Councilman Ruthven

Seconded by Councilman Tompuri

**WHEREAS**, the Town of Kent is in receipt of a proposed agreement with July 4 Ever Fireworks Inc. & Rocco Polifrone for the annual Fourth of July Fireworks Display sponsored by the Town of Kent on July 1, 2023, with a rain date of July 2, 2023; and

**WHEREAS**, the fee for the fireworks display is not to exceed \$7,500 and the agreement requires a deposit of \$1,000 in order to secure the fireworks display and date; and

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**WHEREAS**, the Town Board of the Town of Kent has determined that the agreement is in the best interests of the Town and desires to enter into the agreement;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby approves the Agreement with July 4 Ever Fireworks Inc. & Rocco Polifrone in the form annexed hereto and authorizes payment of the fee for the display in an amount not to exceed \$7,500, which includes a \$1,000 deposit to July 4 Ever Fireworks Inc. & Rocco Polifrone; 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. All in a form satisfactory to the town attorney.

Motion carried unanimously

### **Resolution#102 Undertake a Government Operations Climate Action Plan**

On the motion by Councilwoman Campbell

Seconded by Councilman Ruthven

Resolved: **WHEREAS**, the Town of Kent pledged to take part in the NYS DEC Climate Smart Communities Certification Program that includes the preparation of a Government Operations Climate Action Plan; and

**WHEREAS**, a Government Operations Climate Action Plan is a strategy document that sets goals and outlines a set of initiatives that reduce greenhouse gas emissions and provides a framework for achieving those targets; and

**WHEREAS**, free technical assistance is available to support the development of the inventory and plan from Hudson Valley Regional Council (HVRC) through a NYS DEC Climate Smart Communities Coordinator Services contract and;

**WHEREAS**, a completed climate action plan counts toward Climate Smart Communities certification, specifically;

1) PE2 Action: Government Operations Climate Action Plan; and

**WHEREAS**, the Climate Smart Task Force, comprised of environmental volunteer community leaders, will collaborate with HVRC in the development of this publication, review drafts, and provide valuable feedback on iterations that result in the final draft and;

**WHEREAS**, the task force will provide an opportunity for public input and comment on the draft report; and

**WHEREAS**, the task force will present a summary of the draft government operations climate action plan to the Town of Kent for consideration of adoption;

**NOW THEREFORE BE IT RESOLVED**, the Town Board authorizes submission of these documents to the NYS DEC Office for Climate Change for consideration of points toward Climate Smart Communities certification for the Town of Kent.

Motion carried unanimously

### **Resolution#103 NYSDEC Municipal Food Scraps Recycling Initiatives Grants Program**

On the motion by Councilwoman Campbell

Seconded by Councilman Ruthven

Resolved: The supervisor is authorized to seek a grant for NYSDEC Municipal Food Scraps Recycling Initiatives Grants Program

Kathy Kahng, member of Climate Smart Committee discussed program. Kathy has spoken to Scarsdale and Philipstown about their composting programs. Scarsdale has had the program since 2017 and just went to curbside compost pick-up. About 1/3 of the town is participating. Philipstown started a pilot program nine months ago and it became permanent in January. They have a town wide recycling that is open Saturday mornings and that is where the compost drop off is. They have 165 families doing it. Kathy contacted Curbside Compact for pick-up. The cost is for weekly pick-up of bins. Everything else is covered by the participants. There is a 3 piece starter kit that includes a pail with lid for countertop use. As it fills up you have a bigger container with a bag. Once the bag is full you can drop it off however often, once a week or twice a month. In Philipstown and Scarsdale the participant pays \$20 for the starter kit and that is at cost. They are suggesting we order 200 starter kits that is \$4,000 and it would be reimbursed as people sign-up. They would have volunteers at events with the kits and explaining how to compost. Compost is 30% of your garbage and commercial composting allows to you compost a lot more items. Councilwoman Campbell started there is a possibility for funding and is asking for the board to vote tonight to seek a grant. The programs seem to be very successful. This program will also be a step towards Climate Smart Certification. There is seed money that could be put towards starter kits and educational information when residents signed up for solar energy. The town received \$100 from each sign up. Councilman Tompuri requested this be

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tabled so he has time to do a cost analysis. He feels people who have sanitation pick-up are going to ask why they need to spend more money. He would like to get the general attitude from the residents before we vote and spend money into this. Ms. Kahng stated the only cost is the \$20 for the kit. Councilman Ruthven stated there are many questions including using the current work force versus volunteers. He asked where it all goes. Ms. Kahng stated Curbside Compost is located in Ridgefield CT. They would pick-up it up weekly. They have a facility in New Milford where it becomes compost. In the budget proposed they budgeted for money to have a compost give back day. Anyone who drops off to the bins would be able to come back on the give back day and get composted dirt. Councilman Ruthven stated a major concern is location. He is happy to hear it can be a one day operation. He asked who is monitoring the drop-off to make sure no one is dropping off unacceptable items. Ms. Kahng stated it would be the employee and they would contact one of the volunteers. Then we would hear from the hauling company if there was an issue. Supervisor McGlasson stated her concern is people throwing anything in the bins. That people abuse the clothing donation bins and throw anything in them. Councilman Ruthven would like to gage the interest in this program with residents before we vote. It's important to do a public outreach and to determine a location. Ms. Kahng suggested Town Hall has the location because most people that will be participating will be using the recycling center. So they would be able to do both on the same day. Councilman Ruthven asked if there is a smell and Ms. Kahng stated the key is to manage the bins. Once a bin is full you close it and don't touch it again, it is a 64 gallon rolling container. Councilman Boyd stated the bins are sitting for seven days. That is going to make a smell and attract animals. Sue Kotzur asked if we have to pay for the compost and it was clarified that there is a cost to have the compost dump truck come to the town. Councilman Ruthven stated we can vote to seek a grant but that doesn't mean we have to use it.

Roll Call:

Supervisor McGlasson: aye

Councilman Tompuri: nay

Councilwoman Campbell: aye

Councilman Ruthven: aye

Councilman Boyd: nay

Motion carried

### **Resolution#104 Add Advertise for Lifeguards to Agenda**

On the motion by Supervisor McGlasson

Seconded by Councilman Ruthven

Resolved: Advertise for lifeguards be added to agenda

Motion carried unanimously

### **Resolution#105 Advertise for Lifeguards**

On the motion by Supervisor McGlasson

Seconded by Councilman Ruthven

Resolved: Town Clerk is authorized to advertise for lifeguards for the 2023 season.

Motion carried unanimously

### **Resolution#106 Add Replace Town Hall Antifreeze to Agenda**

On the motion by Supervisor McGlasson

Seconded by Councilman Ruthven

Resolved: Replace antifreeze be added to agenda.

Motion carried unanimously

### **Resolution#107 Replace Town Hall Antifreeze**

On the motion by Supervisor McGlasson

Seconded by Councilman Ruthven

Resolved: Calculated Fire Protection Co. is authorized to replace antifreeze at Town Hall, Police Department, Library and Water Building at a cost of \$8,340.

Motion carried unanimously

### **Resolution#108 Add Hire Barton and Loguidice to Agenda for Engineering Services for Water District #1 and #2**

On the motion by Supervisor McGlasson

Seconded by Councilman Ruthven

Resolved: Hire Barton and Loguidice be added to the agenda

Motion carried unanimously

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**Resolution#109 Hire Barton and Loguidice for Engineering Services for Water District #1 and #2**

On the motion by Councilman Ruthven

Seconded by Councilwoman Campbell

Resolved: Barton and Loguidice is authorized to do engineering services for Water District #1 and #2 at a cost not to exceed \$52,300

Motion carried unanimously

**Resolution#110 Approval of Vouchers and Claims**

On the motion by Councilman Ruthven

Seconded by Councilman Tompuri

Resolved: Voucher #200166767-200167007 and claims in the amount of \$182,639.10 be approved for payment

**MARCH 7, 2023**

1. Cardmember Services	\$6,918.80	Credit Card: February
2. Carl J. LePere	\$8,500.00	Relocated Furnaces: Highway
3. Cemco Water	\$2,756.68	Water District #1: February
	\$5,199.90	Water District #2: February
4. Commissioner of Finance	\$9,530.52	2022 Warrant Adjustments
5. Global Montello Group	\$6,063.15	Gas
	\$4,348.23	Diesel
6. Hogan, Rossi & Liguori	\$5,416.63	Legal Services: March
7. Magna5 MS	\$5,825.27	Network Services: March
8. Medicare Reimbursement	\$32,418.80	1 <sup>st</sup> Quarter
9. NYCOMCO	\$2,972.00	2 Way Radios: Police March
10. NYSEG	\$2,573.18	Electric: Town Hall February
11. State Comptroller	\$33,927.00	Justice Court Fines & Fees: January
12. Win Waste Innovations	\$7,536.09	Lake Carmel Garbage

Motion carried unanimously

**Announcements**

-Supervisor McGlasson announced that Mike O'Brien will be hosting lifeguard certifications at Lake Carmel, Putnam County any questions contact Mike at [mpo818@yahoo.com](mailto:mpo818@yahoo.com)

-Putnam County Youth Bureau is running their Pegasus Program a free confidential program for children ages 5-14 who have a parent or family member suffering from alcoholism or other drug dependency call Sheila Hanley at 845/808-1600 ex 46126 for information.

-Putnam County Health Department is hosting a free rabies clinic on March 25, from 10:00 – Noon call 845-808-1390 ext. 43160 for additional information.

- Councilman Tompuri announced the Kent Police is accepting applications for their Cadet Program, ages 13 – 21, March 13 at 6:00 pm at the Kent Police Station.

-Beautification committee is organizing an Earth Day clean-up on April 22<sup>nd</sup>.

- Councilman Tompuri thanked everyone that attended the Danbury Hat Tricks Community Night Out.

-The Knights of Columbus is hosting Fish Fry Fridays during lent. All proceeds go to local charities within the Kent/Carmel area.

-Councilwoman Campbell announced there will be an E-Waste Day on June 10<sup>th</sup> for Kent resident's 9:00 a. – noon. She gave a grant update, NY Forward grant was not received but the town will still look into other opportunities it will be submitted to Congressman Lawler's office.

- Kent Library will be hosting AARP tax assistance on Monday.

-Happy St. Patrick's Day.

**Public Comment**

Sue Kotzur reminded the beautification committee that clean-up day is not just for Lake Carmel and please don't forget the rest of Kent, Route 52, Farmers Mills Road and Route 301 all need to be cleaned up too.

**Resolution#111 Adjourn to Executive Session**

On the motion by Supervisor McGlasson

Seconded by Councilman Ruthven

Resolved: Town board adjourned to executive session at 8:15 p.m. to discuss personnel matters

Motion carried unanimously

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**Resolution#112 Adjourn Town Board Meeting**

On the motion by Supervisor McGlasson

Seconded by Councilman Tompuri

Resolved: Town board meeting of March 7, 2023 be adjourned at 9:10 p.m.

Motion carried unanimously

Respectfully submitted:

Lauren Louderback

Deputy Town Clerk