

TOWN BOARD MEETING SEPTEMBER 19, 2023

A Town Board Meeting was held on Tuesday, September 19, 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 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
Councilwoman Campbell- present
Councilman Boyd –present

Councilman Tompuri- present
Councilman Ruthven- present

Also present: Town Clerk Cappelli, Town Counsel Tagliafiero, Police Chief Owens, Building Inspector Walters, Assessor Plawsky, John Wolham of NYSDTF, Recycling Chair Kotzur and several members of general public.

TOWN WIDE REASSESSMENT

Assessor Seth Plawsky introduced John Wolham of the NYS Department of Taxation and Finance who discussed the need of a town wide reappraisal. John Wolham was asked to talk about the school apportionment and reassessment. See power point presentation attached. He presented a copy of the actual apportionment the Carmel School District calculated for purposes of developing the 2023 -2024 School taxes. He explained the school district's budget figures went from under \$135 million in 2022-23 to under \$141 million in 2023 -24. He said the property tax levy amount is the amount raised by taxes for the budget it went up 1.77 million dollars. He said there are 6 towns, varying in size that make up the Carmel Central School District. Kent is different in that all of Kent except 13 parcels is in the CCSD. On page 3 he explains the AV values in all 6 towns increased, Kent was smaller, he said the Equalization rates are all at 100% except Kent explaining all of those towns are performing annual reassessments representing 100% of full market value. Kent's last reassessment was in 2018. Since the pandemic property values have increased, explaining the Assessor can only make changes to assessments for new construction, demolition or successful challenges. He said any town not at full value has to be changed to full value using the equalization rate. He explained the 2023 Full Values increased in Kent and the reason why Kent has seen a change in their tax bills. He said in 2022 – 23 Kent had 44.51% of the total levy and in 2023 – 2024 it is 47.25%. He said the Town of Kent took on an additional \$3.5 million for the school tax and the others going down to varying degrees. He said from the levy amounts the tax rates are made. He said there are a number of things that influence how school tax is distributed. He said it's not what happens in Kent but in the other segments increases or decreases. He said if we get to a point where we see all the towns in the school district are going down its conceivable it would benefit Kent because it is the biggest share. He said the levy had to be raised by all the property owners. He said the other 5 towns in the school district are performing annual reassessments which is why they have equalization rates of 100. A reassessment is a systematic review of all locally assessed property which is all property within the town except for special franchises. It has to be at a stated uniform percentage of value typically 100% a value a town can qualify for limited state aid and the most transparent. He said value is established at a specific date, explaining for everyone in Kent the valuation date is July 1, 2022. He said taxable status date, everything existing on the property can be captured on the assessment is March 1, 2023. The cornerstone of the Assessment Roll whether a town reassess or not. He said the idea of doing a reassessment is to reset the town's assessment in proportion to current market value which is going to be established based on the applicable valuation date. There is a new valuation date for every roll allowing the assessor to reset market value whether up or down insuring that people are paying their fair share. Reassessment creates fairness, transparency the valuation process and an informal review to discuss your preliminary assessment. He said the process of reassessment is tax neutral except to the extent the project cost money. It does not increase taxes. It's the taxing jurisdictions that raise property tax, determining the budget and property tax to be raised through the levy. By having current values and inventory the town will be in a better position to defend challenges. The Town will take control affirming the equalization process. By doing reassessments bond ratings and revitalization is assisted and the town will be qualify for up to \$5.00 a parcel for the year. Councilman Ruthven asked if the town had been at 100% would the school tax bill been lower for Kent residents. He replied the only way to be proof positive is when the 2025 reassessment is conducted. He said it will be two years of a different market. Councilman Ruthven asked Kent's levy went up the other towns went down does that have to do with the equalization rate, they are at 100% we are not. He said it had more to do with how the properties in the other towns were valued. Councilman Ruthven

asked the last date of a revaluation. Assessor Plawsky replied a trending reval was done in 2018, the only way to address current values is through a town wide revaluation.

Cliff Narbey a resident of Kent knows the value of our homes has gone up from 2018 to 2022 the same as the other towns. He said Putnam County produces the entire assessed values of the county. He looked at Carmel they went from \$6.1 billion assessed value in 2022 to \$6.6 billion in 2023, the entire town went up by .9%. He asked how thoroughly you look at the full market assessments done by the other towns. Mr. Wolham replied the equalization process is looking at the values at the aggregate, legally they do not have the ability to go in and make determinations for individual properties. He said Assessors review all sales they are deemed to be the individuals who know best is whether a sale is an arm's length sale or not. He said they do a sales ratio study and a computer assisted mass appraisal study, taking the sold properties, along with the inventory, description of the house at time of sale using that to build a model that will estimate values of properties that weren't sold. The result of both of those studies are a ratio, those are shared with the Assessor as input. This gives you feedback as to how much of a change you need to make or if you are non-reassessment it gives you feedback in terms of what level of assessment you can consider stating. He said the equalization program in NY is based on the confirmation of the locally stated level of assessment, every municipality is legally required to state the level of assessment they are at. If their analysis can confirm the locally stated level within + or - of 5% we issue their level as the equalization rate. Mr. Narbey replied you clearly got it wrong. He said you make the process sound complex it is not, the determination of school tax is the tax levy. He said if all assessed values are fair and equal across the community than you would expect your tax bill to go up by 1.1% his went up by 10.2%. His fair market value from \$390,000 in July of 2021 to \$478,000 in 2022. He said that may be valid. He thinks the Office of Real Property Services in NY has done a poor job of appraising how well the Assessors in Towns did their assessment and as a result the Town of Kent residents are subsidizing the other towns. Mr. Wolham agreed in part if all else would be equal would work but the apportionment process clearly shows not all else was equal. He hopes that changes for the Town of Kent. Mr. Narbey said the County's report stated Kent's assessment rose by .9% the same as Carmel's it doesn't make any sense. Councilman Boyd asked as we revalue properly we may actually pay less in taxes. Mr. Wolham replied it is possible but impossible for him to tell him definitively what is going to happen. Seth said it is the budget and the levy as well. He said we are looking to take control of the process rather than be at the mercy of the equalization rate. He corrected Mr. Narbey stating Carmel went up 9%. Mr. Narbey asked why our Town is the only town that hasn't done a reassessment, why do the other towns do it every year and we don't, we use to be 100%. Councilman Ruthven said it's his 5th year on the board and we had one board member who was adamantly against doing anything, possibly two, it took him time to understand the process but we have known we need to get this right.

NY Forward

Councilwoman Campbell explained this is a grant opportunity for either \$2.5 or \$4 million for downtown revitalization. For decades community members and leaders have been aware that something should be done to improve our downtown/commercial districts but due to lack of funds there has been no advancements. They were not successful in receiving the grant last year, and applying again next Friday. There is a survey on the Town's website for community involvement. The application centers around Lake Carmel, two state highways and one county road. If funding is obtained we would receive support of planning services and need to make a case that our community needs revitalization and in support of that. She asked for feedback. A resident asked how the area was selected, thinking the commercial is more on Route 52. Councilwoman Campbell said one of the questions in the survey is do you agree with the area or do you have a difference of opinion or suggestion. The resident suggested attempting to connect Kent to the bike and walking paths. We have a lot of green areas but no way to get to them. She would like to see the town more bicycle and walking friendly. Sidewalks would be wonderful along Route 52. Councilwoman Campbell said sidewalks would be part of this if deemed productive. A grant was funded for \$45,000 and match from Climate Smart to develop a pedestrian and cycling plan starting soon. The owner of Bernie's Hidden Treasure, Margie on Route 52 would love to see sidewalks she said it is difficult to get around on Route 52, the speed of the vehicles is extreme, to bring more business in. Sue Kotzur agreed with Margie the traffic is very fast on Route 52. Kathy Doherty suggested naming it a business district installing signage reflecting that, possibly getting the sidewalks, lights and reduction in speed limit. A resident asked Councilwoman Campbell's vision. She replied what she is hearing is accurate, we need to find a way to have a business district, where residents are comfortable walking,



**Department of
Taxation and Finance**

Town of Kent

School apportionment and Reassessment

John Wolham, NYSDTF-ORPTS

September 19, 2023

Carmel SD apportionment – School's Budget

	2023-24	2022-23
Property tax levy	\$101,399,438	\$99,550,752
NY State aid	37,227,960	32,396,589
Fund Balance	1,100,000	1,100,000
Miscellaneous	1,222,300	1,726,846
Total Budget	\$140,949,698	\$134,774,187



Carmel SD apportionment – Assessed Values

Town	2023 AV	23 Eq. rate	Change	2022 AV	22 Eq. rate
Carmel	1,210,412,138	100	+91,939,790	1,118,476,848	100
Kent	1,574,124,626	68.80	+14,356,615	1,559,768,011	83.70
Patterson	850,475,287	100	+93,461,235	757,015,552	100
Putnam Valley	43,058,259	100	+4,425,575	38,632,684	100
Southeast	2,531,338	100	+230,038	2,301,300	100
East Fishkill	447,640,472	100	+40,621,497	407,018,975	100



Carmel SD apportionment – Full Values

Town	2023 Full AV	23 Eq. rate	Change	2022 Full AV	22 Eq. rate
Carmel	1,210,416,638	100	+91,939,790	1,118,476,848	100
Kent	2,287,971,840	68.80	+424,449,724	1,863,522,116	83.70
Patterson	850,476,787	100	+93,461,235	757,015,552	100
Putnam Valley	43,058,259	100	+4,425,575	38,632,684	100
Southeast	2,531,338	100	+230,038	2,301,300	100
East Fishkill	447,640,472	100	+40,621,497	407,018,975	100
Total	4,842,095,334			4,186,967,475	



Carmel SD apportionment - Levy

Town	2023-24	% of Total	Change in levy	2022-23	% of Total
Carmel	25,327,993	25.00	-1,265,290	26,593,283	26.71
Kent	47,875,857	47.25	+3,568,127	44,307,731	44.51
Patterson	17,796,244	17.56	-202,813	17,999,057	18.08
Putnam Valley	900,995	0.89	-17,549	918,544	0.92
Southeast	52,968	0.05	-1,748	54,716	0.05
East Fishkill	9,366,886	9.24	-310,535	9,677,421	9.72
Total	101,320,944	100.00	+1,770,192	99,550,752	100.00



Reassessment – What is it?

- Reassessment is a systematic review of all locally assessed parcels to assure that all assessments are at a stated uniform percentage of value as of the valuation date of the assessment roll upon which the assessments appear. (RPTL 102)
- The assessments for all properties are reset to current market value based on the applicable valuation and taxable status dates.



Valuation Date and Taxable Status Dates

- **Valuation Date (RPTL 301):**

"All real property subject to taxation and assessed as of a March first taxable status date, shall be valued as of the preceding first day of July."

- **Taxable Status Date (RPTL 302):**

"The taxable status of real property in cities and towns shall be determined annually according to its condition and ownership as of the first day of March."

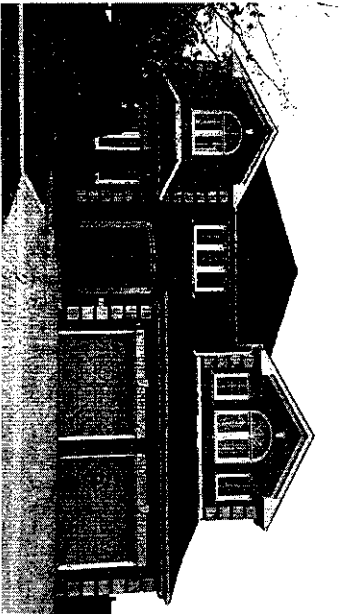


Reassessments ensure that property owners pay only their fair share of taxes

- Community reassessed in 2010. Two properties have the same value, pay the same taxes.



Market Value	\$100,000
Assessed Value	\$100,000
Tax (@ 1% AV)	\$1,000
Real Tax Rate	1.0%

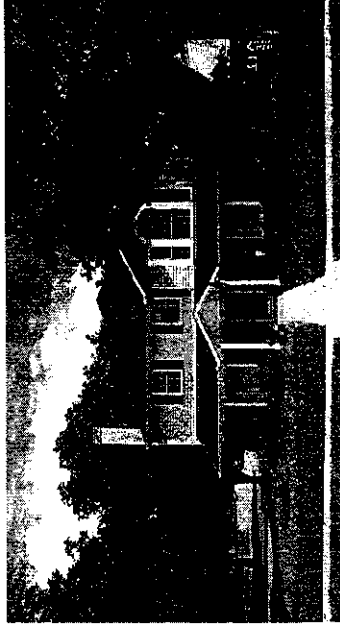


Market Value	\$100,000
Assessed Value	\$100,000
Tax (@ 1% AV)	\$1,000
Real Tax Rate	1.0%

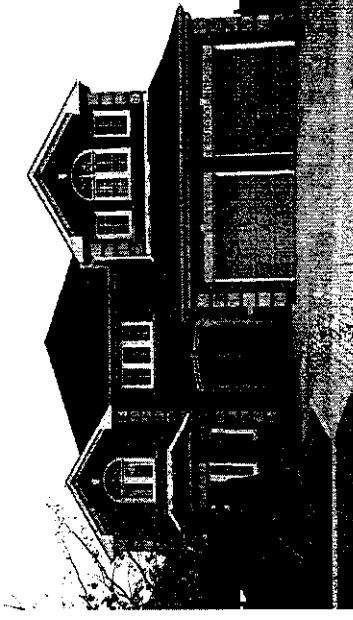


Lack of reassessment produces inequity

- 13 years later and no reassessment
- One property's value up x10; the other's value up only x5
- But tax bills are the same – one property owner is subsidizing the other!



Market Value	\$1,000,000
Assessed Value	\$100,000
Tax (@10% AV)	\$10,000
Real Tax Rate	1.0%



Market Value	\$500,000
Assessed Value	\$100,000
Tax (@10% AV)	\$10,000
Real Tax Rate	2.0%



Reassessment – what does it do?

■ Reassessment provides multiple benefits:

- **FAIRNESS:** Property owners pay only their fair share of taxes
- **TRANSPARENCY:** Increased taxpayer confidence and better understanding of the system
- **TAX NEUTRAL:** Absent other budget increases, the total tax raised is unchanged (the cost of the project will affect the budget)
- **REDUCED LITIGATION:** Fewer lawsuits and “tax certiorari” refunds; updated data and values make roll easier to defend
- **LOCAL CONTROL:** Eliminates impact of state equalization
- **ECONOMIC:** Improves bond ratings, helps revitalization
- **STATE AID:** Up to \$5/parcel in the year of a full reappraisal

Regular reassessment at market value is the only way to ensure that all taxpayers pay only their fair share.



For More Information

**Visit the New York State Department of
Taxation and Finance website at:**

www.tax.ny.gov/research/property



**Carmel Central School District
Tax Rates for 2023-2024
BOE Approved 8-21-2023**

Total Budget	\$140,949,698.00	Current levy	101,399,438
Less other Revenue	\$38,450,260.00	Prior levy	99,550,752
Appropriated Fund Balance	\$1,100,000.00	State Aid	37,227,960
Amount of Tax Levy	\$101,399,438.00		
Less Omitted & Pro Rated	(\$78,494.23)		
Net Levy Apportioned	\$101,320,943.77		

Town	Assessed Value 1	Clergy Exemptions (add to a/v) for Apportionment	Assessed Value With Partial Exemptions	Equalization Rates	Full Value for Apportionment	Share of Levy	Apportioned Amount of Levy
CARMEL	1,210,412,138	4500	1,210,416,638	1.0000	1,210,416,638	0.2499779	25,327,992.87
KENT	1,574,124,626	0	1,574,124,626	0.6880	2,287,971,840	0.4725169	47,875,857.49
PATTERSON	850,475,287	1,500	850,476,787	1.0000	850,476,787	0.1756423	17,796,244.14
PUT. VALLEY	43,058,259		43,058,259	1.0000	43,058,259	0.0088925	900,994.95
SOUTHEAST	2,531,338		2,531,338	1.0000	2,531,338	0.0005228	52,968.30
E. FISHKILL	447,640,472		447,640,472	1.0000	447,640,472	0.0924477	9,366,886.02
TOTAL	4,128,242,120	6,000	4,128,248,120		4,842,095,334	1.00	101,320,943.77

Town	Omitted & Pro-rated	Amount of Tax Levy	Net to be raised by rate	2023-2024 Tax Rate	2022-2023 Tax Rate	\$ Change	% Change
CARMEL	39,044.07	25,367,036.94	25,327,992.87	20.925098	23.765459	-2.840360864	-11.95%
KENT	29,744.11	47,905,601.60	47,875,857.49	30.414274	28.391929	2.02234483	7.12%
PATTERSON	451.78	17,796,695.92	17,796,244.14	20.925057	23.761215	-2.836157176	-11.94%
PUT. VALLEY	0.00	900,994.95	900,994.95	20.925020	23.776338	-2.851317125	-11.99%
SOUTHEAST	0.00	52,968.30	52,968.30	20.925020	23.665665	-2.740644896	-11.58%
E. FISHKILL	9,254.27	9,376,140.29	9,366,886.02	20.925020	23.771545	-2.84652467	-11.97%
TOTAL LEVY	78,494.23	101,399,438.00	101,320,943.77	24.543363	25.623632	-1.080269487	-4.22%
FV Tax Rate				20.92502043			

Carmel Central School District
Tax Rates for 2023-2024
BOE Approved 8-21-2023

Total Budget	\$140,949,698.00	Current levy	101,399,438
Less other Revenue	\$38,450,260.00	Prior levy	99,550,752
Appropriated Fund Balance	\$1,100,000.00	State Aid	37,227,960
Amount of Tax Levy	\$101,399,438.00		
Less Omitted & Pro Rated	(\$78,494.23)		
Net Levy Apportioned	\$101,320,943.77		

Town	Assessed Value 1	Clergy Exemptions (add to a/v) for Apportionment	Assessed Value With Partial Exemptions	Equalization Rates	Full Value for Apportionment	Share of Levy	Apportioned Amount of Levy
CARMEL	1,210,412,138	4500	1,210,416,638	1.0000	1,210,416,638	0.2499779	25,327,992.87
KENT	1,574,124,626	0	1,574,124,626	0.6880	2,287,971,840	0.4725169	47,875,857.49
PATTERSON	850,475,287	1,500	850,476,787	1.0000	850,476,787	0.1756423	17,796,244.14
PUT. VALLEY	43,058,259		43,058,259	1.0000	43,058,259	0.0088925	900,994.95
SOUTHEAST	2,531,338		2,531,338	1.0000	2,531,338	0.0005228	52,968.30
E. FISHKILL	447,640,472		447,640,472	1.0000	447,640,472	0.0924477	9,366,886.02
TOTAL	4,128,242,120	6,000	4,128,248,120		4,842,095,334	1.00	101,320,943.77

Town	Omitted & Pro-rated	Amount of Tax Levy	Net to be raised by rate	2023-2024 Tax Rate	2022-2023 Tax Rate	\$\$ Change	% Change
CARMEL	39,044.07	25,367,036.94	25,327,992.87	20.925098	23.765459	-2.840360864	-11.95%
KENT	29,744.11	47,905,601.60	47,875,857.49	30.414274	28.391929	2.02234483	7.12%
PATTERSON	451.78	17,796,695.92	17,796,244.14	20.925057	23.761215	-2.836157176	-11.94%
PUT. VALLEY	0.00	900,994.95	900,994.95	20.925020	23.776338	-2.851317125	-11.99%
SOUTHEAST	0.00	52,968.30	52,968.30	20.925020	23.665665	-2.740644896	-11.58%
E. FISHKILL	9,254.27	9,376,140.29	9,366,886.02	20.925020	23.771545	-2.84652467	-11.97%
TOTAL LEVY	78,494.23	101,399,438.00	101,320,943.77	24.543363	25.623632	-1.080269487	-4.22%
FV Tax Rate				20.92502043			

taking a bus, improve public transportation, lighting, parking, working on building affordable senior housing, explaining we would have the services of planning professionals. The resident asked if we were lacking something in our application to not be funded. Councilwoman Campbell did not receive feedback as to why it was not accepted, the decision is made by the Regional Economic Development Corp. Mr. Narbey informed them the Village of Brewster is under a revitalization and suggested contacting them for ideas. A resident knows Kent does not control the PART Buses but thought clearer times would be helpful. Henry Boyd representing the Carmel Kent Chamber of Commerce supports them, he said Lake Carmel hasn't changed but maybe 4 buildings in the past 30 years, trying to stimulate growth is difficult but they will support them.

Resolution #299 - Authorizing Correction of Violation, Acceptance of Proposal & Charge to Property Owner

On a motion by Councilman Ruthven

Seconded by Councilman Tompuri

WHEREAS, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation (the "Order to Remedy") directing the removal of rubbish, excess weed, grass and brush growth from the property located at 11 Hawthorne Road, Kent New York, Tax Map No. 33.58-1-34; and

WHEREAS, the Order to Remedy requires the owner to correct the violation or respond to the Code Enforcement Office within ten days and, to date, the owner of the Property has not responded; and

WHEREAS, pursuant to Chapter 55A of the Town Code of the Town of Kent regarding "Property Maintenance", upon the failure of any owner to comply, the Building Inspector is authorized to correct a violation subject to the approval of the Town Board; and the Town Board wishes to authorize the Building Inspector to correct the violations; and

WHEREAS, consistent with the Town's Procurement Policy, the Town of Kent requested three written proposals from contractors to correct the violation on the property and received two proposals in response, copies of which are annexed hereto and incorporated by reference; and

WHEREAS, the Town Board wishes to accept the lowest proposal submitted by JB Affordable Lawn Care in the overall amount of \$125.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the proposal of JB Affordable Lawn Care Inc. in an amount not to exceed \$125; and

BE IT FURTHER RESOLVED that the actual cost of the correction of the violation, plus the accrued legal rate of interest from the date of completion of the work, shall be charged to the property owners by the Town in accordance with Chapter 55A-12 (B).

Motion carried unanimously

South Lake Dam Project

Neil Tolman of Putnam County Soil and Water provided an update on the South Lake Dam system which consists of three dams, called the upper, middle and lower. He said the situation began when the Town of Kent needed to make repairs to the lower dam in the system. He explained they are coordinating the projects as the upper and middle are owned by Putnam County and the County would like to obtain lower hazard ratings from the NYSDEC. He said Kent's Dam is called a B, the middle and upper are B's also and would like to be an A or a D which is breached. The goal is to have the level of the middle lake to stay the same. He said we had this idea and contracted with Barton & Loguidice to tie the projects together. He demonstrated the existing dams along Lake Drive. They are recommending building weirs which is a way to control the amount of water that can get out of the system. He said they will be 12' wide x 100' length and recommended two different shapes which he brought a model of. He explained how they are designed to work. He suggested a letter be drafted between the Town of Kent and Putnam County communicating to NYSDEC and the Army Corp of Engineers the nature of the project and that it is the same project. He said he applied for a Water Quality Improvement Grant last month and if necessary he may have to tap into Putnam County's budget line for dams. He said he will talk to the Highway Superintendent as trees will need to

be cleared and are unable to do so after April 1st. Kathy Doherty asked how you are paying for the tree removal. Councilman Ruthven replied the grant is for the bridge/culvert/dam the outflow of the lake. He thought the trees are on the County property. He said discussions have taken place about a walking path over the dam with the residents who do not want to lose the recreation opportunity they purchased their home because of the lake etc. Neil agreed discussions have taken place about walking paths, he is not sure of that the way it is designed but will look into it. Councilman Ruthven asked why we keep the lakes separate and not make them whole. Neil replied it is about control and structure in regards to the 100 year flood. They build on the computer an SDF a spillway design flood, he said you do not get that control if you eliminate it. Councilwoman Campbell said the document from B & L says the middle dam will be Class A as long as there is design work on the lower dam. She asked if the town will have to do additional design work to accommodate that and if so will it fit into the town's grant. Mr. Tolman thought B & L is in a better position to give Kent what it needs to look like and thinks it should be fine. Councilwoman Campbell asked the County's budget. Mr. Tolman replied \$250,000. Councilman Boyd asked the height of the upper dam. Mr. Tolman replied they are changing the shape to make the water levels with no difference, the berm will control how fast it moves through the system. He said it is going to shrink. He said they are trying to reduce liability and the idea of conductivity. He said he will be drafting a joint letter for DEC to look at the projects together. He said if recreation on the middle berm is needed a conversation of ownership will need to be discussed.

Resolution #300 - Authorizing Town Clerk to Advertise Laborer Position Highway Department

On a motion by Councilman Tompuri
Seconded by Councilwoman Campbell

WHEREAS, the Town of Kent is seeking to fill a laborer position in the Town of Kent Highway Department; and

WHEREAS, the Town of Kent wishes to advertise for applications to fill said position; and

WHEREAS, the Town Board of the Town of Kent wishes to authorize its Town Clerk, Yolanda D. Cappelli, to advertise for applications for the laborer position in the Highway Department;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes its Town Clerk, Yolanda D. Cappelli, to advertise for applications for the laborer position in the Highway Department.

Motion carried unanimously

Resolution #301 - Authorizing Town Clerk to Advertise for Fencing at Town of Kent Police Department

On a motion by Councilman Boyd
Seconded by Councilman Ruthven

WHEREAS, the Town of Kent wishes to advertise for bids for fencing around the Town of Kent Police Department; and

WHEREAS, the Town Board of the Town of Kent wishes to authorize its Town Clerk, Yolanda D. Cappelli, to advertise for bids for fencing around the Town of Kent Police Department;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes its Town Clerk, Yolanda D. Cappelli, to advertise for bids for fencing around the Town of Kent Police Department.

Motion carried unanimously

Resolution #302 - Authorizing Purchase of Radio Repeater System for Police Department

On a motion by Councilman Boyd
Seconded by Councilman Ruthven

WHEREAS, the Town Board of the Town of Kent is in receipt of a request dated September 1, 2023 from the Chief of Police, Kevin Owens, to purchase a new "Radio Repeater System" (the "Radio System"), a copy of which request is annexed hereto and incorporated herein by reference; and

WHEREAS, the General Municipal Law§103(16) exempts purchase contracts over \$20,000



Sept. 08, 2023

Office (845) 306-5595

Fax (845) 225-5130

Email: ceovacant@townofkentny.gov

To: Supervisor Jaime McGlasson and Town Board Members of Kent
From: Jack Keher C.E.O. of Vacant Buildings
Re: 11 Hawthorne Rd.

TM.# 33.58-1-34

Enclosed please find the violation issued by the undersigned and bids for correction. The site owner is deceased and the estate is insolvent with no other contacts available.

The following proposals have been submitted;

JB Affordable Lawn Care	\$125.00
A.I.M Mowing	\$250.00
Lakeside Mowing	Failed to submit a bid

For your consideration and approval.

Respectfully,

Jack Keher
Town of Kent
C.E.O. of Vacant Buildings

from competitive bidding when such equipment is purchased through contracts let by any county of the State of New York; and

WHEREAS, the specifications annexed hereto indicate the Radio System is being purchased under a contract awarded by New York State; and

WHEREAS, in accordance with the Town's Procurement Policy and the General Municipal Law, the Town Board wishes to authorize the purchase of the Radio System through Contract awarded by New York State;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes and approves the purchase of GTR 8000 Base Radio System for the purchase price of \$14,500; and

BE IT 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 # 303– Add Item to the Agenda

On a motion by Councilwoman Campbell

Seconded by Councilman Ruthven

Resolved: Items related to grant applications were added to the agenda.

Motion carried unanimously

Resolution #304 – Apply for Grant Opportunity to Partners for Climate Action

On a motion by Councilwoman Campbell

Seconded by Councilman Ruthven.

Resolved: The Town's Grant Writer may submit for a grant opportunity with Partners for Climate Action a private foundation founding building decarbonization projects which can include heating systems, insulation, window replacement etc. with no match for the old town hall building.

Motion carried unanimously

Crest Funding

Councilwoman Campbell explained they found out that Senator Harkins office allocated \$100,000 for last year and unaware there is an additional \$100,000. Funding was restricted for climate type actions but the 2022 funding is not restricted and suggested funding of historical and cultural items of importance to our community that is meaningful. She suggested funding the 4' version of the Daniel Nimham Statue which is \$75,000 which will need a base and possible security depending on its location. The other being the Mill reconstruction she was advised with \$50,000 the building could be framed. The board discussed this be held over for further discussion.

Resolution #305 - Approval of Vouchers and Claims

On a motion by Councilman Ruthven

Seconded by Councilman Tompuri

Resolved: All Vouchers #200169076 - #200169259 and claims submitted by:

1. Cemco Water	\$3,144.06	WD#1: August
	\$2,006.45	WD#2: August
	\$2,312.33	Town Center: August
2. CivicPlus	\$4,821.73	Annual Website Hosting
3. Cornerstone Associates	\$2,687.50	Lake/Stormwater/Plan Consultant: Aug
4. Global Montello Group	\$5,730.03	Diesel
5. Hudsonia	\$5,840.00	Progress Natural Resource Inventory
6. July 4 Ever Fireworks	\$2,000.00	Balance for Fireworks
7. Kent Seniors	\$2,100.00	Ledley Food Service: BBQ Lunch
8. Kuba Sport	\$2,707.20	Volleyball/Sports Camps
9. Limnology Info & Freshwater Ecology	\$4,950.00	Lake Treatment/Permits
10. Magna5 MS	\$7,387.84	Network Services: September

11. Northeast Sweepers & Rentals	\$20,108.79	Sweeper Rental
12. NYCOMCO	\$2,972.00	2 Way Radios Police: September
13. New York Dept. of Civil Service	\$244,858.49	Health Insurance: September
14. NYSEG	\$2,202.08	Electric: Ryan's Field Lights
15. Purchase Power	\$2,920.62	Postage
16. Ringsquared	\$3,335.03	Telephone Service
17. Laura Roberts	\$3,015.00	Prosecutor: August
18. Win Waste	\$7,150.42	Lake Carmel Garbage
	\$10,909.24	
19. Royal Carting	\$4,221.86	Recycling Garbage

In the amount of \$439,874.15 may be paid.

Motion carried unanimously

Announcements

-Visit the Kent Recreation Web Page for various programs, Adult Kickball, Bowling, Soccer, Laser Tag and many activities.

-October 14th will be the rain date for Kent Community Day 12:00 – 4:00 p.m.

-October 14th Putnam County Hazardous Waste Cleanup Day register at their site.

-This Saturday at the Mahopac Public Library there will be a seminar on Food Waste.

Public Comment

Julie Boyd introduced herself as President of Planned Kent. Please see attached.

Cliff Narbey, resident of Kent said he spoke at the August 17th meeting and sent an email to Jamie Spillane asking two questions which she has declined to answer. He read his email into the record. Please see attached. He asked the Supervisor the two questions. Town Counsel Tagliafiero advised the Supervisor not to answer the questions as you have been advised of a threat of pending litigation, if you talk about discussions you had with Town Counsel at this point you may be waiving the right to privilege for attorney client conversation.

John Petriello, a resident stated the NYSDOT did beautiful work on Route 52 from A-Z and they stopped at the worse end of the road. He asked if they advised the board what was being done. He asked if you tried to fight for the road to be done. Councilman Ruthven said the board has been requesting for the paving of Route 52 for more than 6 years. They had commitments for the entire road being paved and it wasn't. Supervisor McGlasson said they were originally paving the entire stretch and then changed the plan. She said they have been in contact with NYSDOT and are talking about paving. Mr. Petriello said the contractor parked their vehicles on town property he asked did the town receive payment for that use. Supervisor McGlasson replied we weren't given anything

Resolution # 306 – Adjourn to Executive Session

On a motion by Councilman Ruthven

Seconded by Councilwoman Campbell

Resolved: The board adjourned to Executive Session to discuss possible litigation.

Motion carried unanimously

Respectfully Submitted,

Yolanda D. Cappelli

Town Clerk

Town Board Meeting – Executive Session
September 19, 2023

At 9:25 p.m. the Board adjourned to Executive Session to discuss pending or threatened litigation. Present were Supervisor McGlasson, Councilman Ruthven, Councilman Tompuri, Councilwoman Campbell, Councilman Boyd, Town Attorney Nancy Tagliafiero, Planning Board Chairman Hugo German, Jeff Batistoni, Esq., attorney for the Planning Board, Bruce Barber and John Andrews.

At 10:15, Messrs. German, Battistoni, Barber and Andrews left the meeting.

At 10:18, Councilman Boyd left the meeting.

Resolution #307

On a motion from Councilman Ruthven seconded by Councilman Tompuri, and unanimously approved by all those present, the Board authorized Hogan, Rossi & Liguori to prepare and file a petition with the Putnam County Supreme Court on behalf of the Town Board objecting to a petition for a permissive referendum which was filed with the Town Clerk on September 15, 2023.

Resolution #308

The meeting was adjourned at 10:30 p.m. on motion of Councilman Ruthven, seconded by Councilman Tompuri, and unanimously approved.

Respectfully submitted,

Nancy Tagliafierro

Julie Boyd's Statement read into the record.

Tonight, I would like to introduce myself as President of PLAN-Kent. As you are aware we are challenging the decision of the Town Board to give Ray Singer Court to Sunberry Properties. I am sure you are aware that Plan-Kent gathered signatures to require a permissive referendum. Even though we fell short, we were able to gather 295 signatures in only 7 days. I think this says a great deal regarding the strength of the residents' opposition to this decision. We have also begun the process of filing an Article 78.

The county in its deed to the Town said that the easement could not be used to access a residential zone. Therefore, the Town should not have granted the easement until Sunbury Properties had acquired a change of zoning to an IOC district. This area 22-1-21 is currently zoned 2 acre residential. According to the Town's criteria for changing a use variance, an applicant must demonstrate an unnecessary hardship. The first criteria is that an applicant cannot realize a reasonable return on the property.... making this property part of the IOC district will increase its value. Secondly, the alleged hardship must be unique but in 2018 when the moving company was requesting a change of zoning there were 2 other properties in the same position. So therefore, it is not unique. Thirdly, the variance will not alter the essential character of the neighborhood. Again, changing the usage would change the character from a beautiful wooded 2-acre zoned housing development to a stark what... Oh we don't know. Finally, the last alleged hardship is that it was not self-created. The current owner is quite aware that when they bought it the property was zoned residential and land locked for any other purpose. It was a self-created hardship. At this point Sunberry does not appear to meet the requirements for a change of usage.

So, the Town board is helping one and only one developer in our Town make a profit. This is a bad precedent to set. What developer is going to come knocking on the door next? The County received \$65,000 for their signature on a document. What are we getting?

I do have solutions for you.

1. If the easement agreement has not been signed and filed, bring it back for a public hearing. Instead of sneaking it on the agenda, on a Thursday morning in August, let the public know what you are considering doing for one developer. Is someone knocking down the doors to buy and develop the property from Sunberry?
2. According to NY Town law Article 7 section 94. The Town Board without petitions can call for a permissive referendum on their own to confirm what your electorate wants.
3. You could sell to Sunberry Properties section 22-1-23.3 which is currently owned by the Town and therefore Sunberry Properties would have access to Route 52 and Bowen Road. It would place the property back on the tax rolls and elevate our current situation.

I am sure we can think of more solutions for you. At least with any of these solutions, we, the Town, are either being heard or receiving something in return.

Budget Workshop September 21, 2022

Resolution #306 - Open Budget Workshop

On a motion by Supervisor McGlasson

Seconded by Councilman Ruthven

Resolved: The Budget Workshop for the 2024 Budget was opened at 9:10 a.m.

Motion carried unanimously

Roll Call

Supervisor McGlasson- present

Councilman Tompuri- not present

Councilwoman Campbell- not present

Councilman Ruthven- present

Councilman Boyd –present

Also Present: Director of Finance Kelly, Building Inspector Walters,

Resolution #307 - Close Budget Workshop

On a motion by Supervisor McGlasson

Seconded by Councilman Ruthven

Resolved: The Budget Workshop for the 2024 Budget was Closed at 11:20 a.m.

Motion carried unanimously

Lauren Louderback

Deputy Town Clerk

Re: Town of Kent easement to Sunberry Properties, LLC

From: Jamie Spillane (jspillane@hrlawyers.com)

To: cliff_narbey@yahoo.com

Cc: jspillane@hoganandrossi.com; jmcglasson@townofkentny.gov

Date: Monday, September 18, 2023 at 08:48 PM EDT

Mr. Narbey:

Any requests for documents should be submitted to the Town Clerk as a FOIL request. My office represents the Town Board of the Town of Kent. I am not authorized to respond to individual members of the public.

Thank you,

Jamie Spillane

On Mon, Sep 18, 2023 at 9:34 AM Cliff Narbey <cliff_narbey@yahoo.com> wrote:

Ms. Spillane,

I am disappointed that you did not respond to my email dated August 27 (below).

May I please have the courtesy of a reply?

Sincerely,

Cliff Narbey

----- Forwarded Message -----

From: Cliff Narbey <cliff_narbey@yahoo.com>

To: Ms. J. Spillane <jspillane@hoganandrossi.com>

Sent: Sunday, August 27, 2023, 10:11:06 PM EDT

Subject: Town of Kent easement to Sunberry Properties, LLC

Dear Ms. Spillane,

I mailed a letter to the Kent Town Board after attending the Workshop/Board Meeting on August 17.

I attach a copy of that letter, as I would like to ask you some questions about this matter, as follows:

(1) Did you counsel the Town Board members to ask Sunberry for cash consideration as well as the meager 2 acres of land and the border simplification? You knew of the \$65,000 cash payment to Putnam County by Sunberry for their waiver of the County's reversionary interest.

(2) Did you conduct any due diligence on Sunberry, SH Real Estate Holding Corp, Newburgh Boxing Club, Inc., Stephen D. Hoare or Vincent Cappelletti? Is there any connection between Messrs. Hoare and Cappelletti? I have, so far, not been able to find much information about any of the aforementioned parties, but I see that the registered address of both

Sunberry and SH Real Estate is 1834 NY Route 376 in Dutchess County. That location accommodates a disreputable looking used car dealership.

You may sincerely believe that you act in the interests of the Town of Kent, but I think that I should advise you that, as a third party, it appeared to me at the August 17 meeting that you were more like an advocate for Sunberry. Mrs. Julie Boyd evidently felt the same way, as she expressed to you at that meeting.

I will be very grateful if you would read my letter to the Town Board and respond to my questions.

Thank you for your time and attention to my requests.

Sincerely,

Cliff Narbey

--
Jamie Spillane, Esq.

Hogan, Rossi & Liguori

3 Starr Ridge Road, Suite 200

Brewster, New York 10509

Tel (845) 279-2986

jspillane@hrlawyers.com

PLEASE NOTE MY NEW EMAIL ADDRESS AS WELL AS OUR FIRM'S NAME CHANGE.

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