

Present: Supervisor Fleming, Councilpersons, McGlasson, Ruthven, Huestis and Denbaum. Highway Superintendent Othmer, Town Counsel Tagliafiero, Town Clerk Cappelli and Sue Kotzur.

At 8:10 a.m. Supervisor Fleming called the meeting to order with the Salute to Flag.

**Purchase of Vehicles for Highway Department**

Supervisor Fleming explained the purpose of the second special meeting is to discuss the emergency purchases that the Highway Superintendent wishes to buy. Highway Superintendent said after the last meeting he spoke to Saran at the State Comptroller's Office, she could not give an opinion because it is a conflict of interest, she recommended he contact Albany which he did and received no response. He called the Association of Town and spoke with Counsel Lori. He explained the situation and provided her with his emergency determination. The big question being the time lapse, emergency purchase and the trucks that were suppose to last another ten years. She asked for documentation supporting the condition of the trucks which he provided and the 5 and 7 year purchasing plan for the Highway Department. Her opinion regarding the emergency purchase was favorable; she thought it would be fine. Councilman Huestis asked if CHIPS money was put in as revenue for the 2019 budget. Highway Superintendent replied no, he confirmed the CHIPS money will be the same or higher. Counsel Tagliafiero also spoke to Lori her only questions is whether the Auditor's will see it as an emergency she thinks the Highway Superintendent has a persuasive argument but cannot guarantee they would not say it was not an emergency. She also got the opinion of others in her firm and all agreed if audited and criticized there would probably be little or no repercussion. Councilman Huestis felt for the past two years the town has been through massive devastation from the tornado's and storms and felt we can defend ourselves as trees are still falling. He said many municipalities are experiencing the same and felt the policy and law needs to be changed. Highway Superintendent advised the board he would not be sending a mechanic to look at the trucks but will be hiring an independent inspector who would certify the vehicles. Councilman Ruthven asked if it is guaranteed. Highway Superintendent replied no which is common practice. Councilman Ruthven understands the process before the board is not ideal, after much discussion with counsel he now feels comfortable with the purchase however unless it is an absolute emergency in the middle of a tornado he will never support an emergency purchase in this matter again, he wants to see it go to bid. Superintendent Othmer explained it was the nature of the vehicles; he will be able to withstand an audit. The board discussed the dollar amounts of the trucks and the bid in place.

**Resolution #94 - Authorizing Emergency Purchase of Trucks by Highway Department**

On a motion by Councilman Denbaum

Seconded by Councilman Huestis

WHEREAS, General Municipal Law Section §103(4) provides for an exemption from the public bidding requirements for emergencies arising out of an accident or unforeseen occurrence which affects public buildings or property or the life, health and safety of residents, which emergency cannot await the competitive bidding process to be addressed; and

WHEREAS, the Highway Superintendent, as set forth in the annexed Emergency Procurement Written Determination dated January 25, 2018, is requesting authorization to replace certain equipment which has broken down on an emergency basis, without public bidding, based upon an unforeseen occurrence which may affect public property or the health, safety and welfare of Town residents; and

WHEREAS, the Highway Superintendent would like to address this emergency by purchasing two specific vehicles through auction: (i) a 2015 Kenworth T880 Daycab, VIN 1XKZDPOXXFJ423256; and (ii) a 2014 Kenworth T880 Tri Axel Dump Truck VIN 1NKDXPTX7EJ396457 (collectively, the "Vehicles") which are described on the documentation attached hereto and made a part hereof; and

WHEREAS, the Town Board accepts the Highway Superintendent's Emergency Procurement Written Declaration and in accordance with General Municipal Law 103(4), the Town Board wishes to authorize the Highway Superintendent to purchase these specific Vehicles for an overall price not to exceed \$200,000 through funds received through the Consolidated Local Street and Highway Improvement Program ("CHIPS");

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes and approves the purchase of these specific Vehicles for an overall price not to exceed \$200,000; 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

Councilman Huestis asked the town board to support the town attorney in preparing resolutions for the topics attached. He spoke of the Town of Kent losing \$58,361 in state aid and would like a resolution to advocate for restoration. He would like a resolution prepared to include South Lake and Drew Lake in the Inland Waterways program as they were left out. He said the complaints regarding the postal service are ongoing and would like the board to support a resolution on the problem. He said the septic complaints are coming in and would like a resolution to East of the Hudson supporting a reimbursement program and the expansion of the eligibility requirements. He said not on the list is the abandoned and vacant homes. It is destroying and hurting our communities. Town Counsel Tagliafiero talked about creating a registry with the banks. She talked about towns upstate that have partnered with private companies that take care of everything, keeping in touch with the banks, obtain grant money to rehabilitate and sell the homes as affordable housing. She said the Town of Greece has taken the lead on this. Councilman Huestis raised concerns about the lost grants and seniors meeting outside of Kent, he said we need to step up. He discussed a campaign to energize our residents to volunteer. He sees what is being done at the Recycling Center it is a wonderful group. He said not one person has volunteered for the Recreation Advisory board. Councilman Ruthven will support Councilman Huestis on #1, #3 but is concerned about #2 as Drew Lake and South Lake is County owned properties and deemed conservation land. He said #4 he does not believe it is East of Hudson septic program it is DEP funded. He disagrees with Superintendent Othmer on the funding for the purchasing of Tilly Foster, the money for that and the golf course was an allotment of money that was given to the county for the purchase of properties that they didn't want to purchase properties and have to maintain them. They wanted the County to step in and pick up open space properties. He will support vacant homes but a plan is needed.

**Resolution #95 - Adjourn to Executive Session**

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: The Town Board adjourned to Executive session to discuss issues with employment of a particular person or corporation.

Motion carried unanimously

**Resolution #96 - Adjournment**

On a motion by Councilman Denbaum

Seconded by Councilman Ruthven

Resolved: The Special Meeting adjourned at 9:31 a.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli  
Town Clerk