

## TOWN BOARD MEETING DECEMBER 5, 2023

A Town Board Meeting was held on Tuesday, December 5, 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 7:05 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, Highway Superintendent Othmer, Police Chief Owens, Building Inspector Walters and several members of general public

### **Short Term Rentals**

Building Inspector Walters stated there have been issues with short term rentals, that section of the town code previously known as boarding houses and such was removed in 1995. He said they have not been allowed for some time. They however are very popular now. They have been receiving complaints and addressing them mostly from neighbors. The Code Enforcement Officer has been searching the web pages informing them they are not permitted. There has been some discussion about changing the code and permitting them. Supervisor McGlasson said legislation from Pawling is included in the backup to begin a discussion. The building inspector suggested if we do approve code they should be inspected annually, a registration in place for a special use permit, renewable fees, contact information, annual fire inspections, occupancy loads posted and whatever the legal bedroom count is per the building department and Board of Health. Councilman Ruthven asked why boarding house was removed in 1985. Building Inspector Walter does not know he wasn't here. Councilman Ruthven thought they probably did not want them. He asked the recourse for neighbors who do not want this next to them. It is a commercial enterprise in a residential area. Building Inspector Walters said some complaints are garbage cans being moved, large parties, drug problems involving the police, trespassing. Supervisor McGlasson asked if we do not permit short term rentals in Kent how do we prevent them. Town Counsel Tagliafiero said a violation would be issued and they would go to court. She said having a permit system in place is at least a way for someone to be accountable. She said a survey was done in her office as they wrote the short term rental legislation for the Town of Pawling that she can share. Councilman Ruthven said his friends vacation using VRBO or ABB's there is a plus side to it and a revenue generating side for the permit process but a large cost for inspections, etc. Police Chief Owens knows of the issues he is speaking about, he said most are neighbor complaints, he thought if we had a permit process and their names and contact information it would be easier for them. He said there have been a few but not a lot. Mr. Seth Embefra a resident of South Lake said the house with all the complaints is directly next door to him. He said the night the police were called he was outside by his own fireplace, he did not call but neighbors did. He said all of the neighbors are fed up they have three homes in the neighborhood that are short term rentals. The problems being they litter in the road, they trespass on his property, sitting on his chairs. They speed down the road. He uses Air B & B's too, he understands. He would not be opposed to permitting them through a permitted system but proposed if permitted there should be a mechanism or system in place for citizens to be able file complaints about a specific short term renter and overtime have there be repercussions for complaints, three times your permit is revoked, or fined. That person was taken to court, it was put on the market and taken off and he is still renting. Kathy Doherty mentioned it to Councilwoman Campbell and thought it a good idea to have a permit in place so you knew who was renting them out, she has heard of problems in Putnam Valley you have to weigh out the money you might make on it and the cost of enforcement. She asked if the town can inquire to these host websites how many are in Kent. She said you can also limit the number of allowable home let's say 100 throughout the town.

### **Resolution #373 - Adopting Local Law #5-2023 "Soil & Excavation"**

Town Counsel Tagliafiero explained there were some comments and legal advice was given on the comments it is up to the board if they want to vote on it. Councilman Ruthven did read the responses and appreciated the fact that research was done. He is comfortable moving forward. Supervisor McGlasson asked for public comment. Henry Boyd representing the Chamber of

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Commerce said we like the town the way it is and if you can vote on it the sooner the better.  
He realizes there is talk about litigation but the Town of Kent will be behind them.  
On a motion by Councilman Ruthven  
Seconded by Councilwoman Campbell

WHEREAS, a local law amending Chapter 63, entitled "Soil Removal and Excavation", was introduced as Introductory Local Law # 5 (the "Local Law") of the year 2023 before the Town Board of the Town of Kent on October 17, 2023; and

WHEREAS, the public hearing was opened on November 8, 2023, and continued on November 15, 2023 and December 5, 2023 and the public was invited to attend and be heard on the matter; and

WHEREAS, in accordance with Article 8 of the Environmental Conservation Law (the State Environmental Quality Review Act) and 6 NYCRR Part 617 of the implementing regulations the action under consideration constitutes a TYPE 1 ACTION; and

WHEREAS, by Resolution dated June 20, 2023, the Town Board of the Town of Kent declared itself lead agency and the only involved agency; and

WHEREAS, the Town Board has reviewed the Environmental Assessment Form as well as other supporting documentation for the Local Law.

THEREFORE BE IT RESOLVED that the Town Board of the Town of Kent hereby finds that the proposed action will not result in a significant adverse environmental impact for the following reasons:

1. The proposed local law will not create a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels.
2. The proposed local law will not create a substantial increase in potential for erosion, flooding, leaching or drainage problems.
3. The proposed local law will not create a substantial increase in traffic or the use of existing infrastructure.
4. The proposed local law will not create a removal or destruction of large quantities of vegetation or fauna, nor will there be any significant impacts on habitat areas.
5. The proposed local law will not create a significant impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources
6. The proposed local law will not create a significant impairment of existing community or neighborhood character.

FURTHER BE IT RESOLVED, that the Town Board pursuant to 6 NYCRR Part 617.7 issues a NEGATIVE SEQRA Determination.

AND FURTHER BE IT RESOLVED, that Introductory Local Law #5 of 2023 is hereby enacted by the Town Board of the Town of Kent as Local Law #5 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.

Upon Roll Call Vote:

Councilwoman Campbell – aye      Councilman Tompuri – aye

Councilman Ruthven – aye      Councilman Boyd – aye

Supervisor McGlasson – aye

Motion carried unanimously

**Resolution #374 - Authorizing the Town Clerk to Advertise a Request for Proposals for Planning Board Environmental Consultant**

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On a motion by Councilman Tompuri  
Seconded by Councilman Ruthven

**WHEREAS**, it is the policy of the Town Board of the Town of Kent to periodically seek proposals for professional services; and

**WHEREAS**, the Town Board believes it to be in the best interests of the Town to advertise that it is seeking Proposals for an Environmental Consultant for the Town Planning Board;

**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 Requests for Proposals for an Environmental Consultant for the Town Planning Board.

Motion carried unanimously

### **Resolution #375 - Add Item to the Agenda**

On a motion by Supervisor McGlasson  
Seconded by Councilman Ruthven  
Resolved: Kent Materials was added to the agenda.  
Motion carried unanimously

Town Counsel Tagliafierro stated this is relating to escrow being held for the Kent Materials site which had been sold to the Carmel Central School District which is about to be sold to a third party. There has been litigation because the town did not release the escrow that we were holding because the property was not stable. She said inspections have been done by our own consultants and they are satisfied the property is stabilized. The Planning Board has recommended the Town Board release the escrow this will also settle pending litigation in Supreme Court.

### **Resolution #376 - Accepting Erosion Control Surety Bond & Escrow for Inspection Fee and Returning Application & Inspection Fee**

On a motion by Councilman Ruthven  
Seconded by Councilman Tompuri

**WHEREAS**, the Planning Board, by Resolution #20 of the Year 2023, dated November 30, 2023, has recommended that the Town Board accept: (i) an Erosion Control Bond in the amount of \$1,500; and (ii) an escrow for the Final Inspection Fee in the amount of \$1,000 from the owner of the property located at 16 Saddle Ridge Court, identified as Tax Map No. 12.-3-16; and

**WHEREAS**, the Planning Board, by Resolution # 18 of the Year 2023, dated November 9, 2023, has recommended that the Town Board release: (i) an Erosion and Sediment Control Bond in the amount of \$17,885; and (ii) a Performance Bond for Stormwater Management Facilities with an initial cash escrow deposit of \$57,300 from Kent Materials, LLC the former owner of the property located at 1264 Route 52, identified as Tax Map No. 12.-1-44; and

**WHEREAS**, the Town Board wishes to accept the recommendation as set forth in Planning Board Resolution #20 and #18;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts the recommendation of the Planning Board and accepts the erosion control bond and escrow as further detailed above for Tax Map No. 12.-3-16; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Kent hereby accepts the recommendation of the Planning Board and authorizes the release of the erosion control bond and initial cash escrow for the performance bond as further detailed above for Tax Map No. 12.-1-44.  
Motion carried unanimously

### **Resolution #377 - Appointing Member to Board of Assessment Review**

On a motion by Councilman Tompuri  
Seconded by Councilman Ruthven

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**WHEREAS**, Christopher Badolato's term as a member of the Town of Kent Board of Assessment Review (the "Board") expired on September 30, 2023; and

**WHEREAS**, the Town of Kent wishes to appoint Christopher Badolato for an additional five (5) year term on the Board from October 1, 2023 through September 30, 2028;

**NOW, THEREFORE, BE IT RESOLVED**, that Christopher Badolato is hereby appointed to the Board of Assessment Review for a term of five (5) years, commencing on October 1, 2023 and terminating on September 30, 2028.

Motion carried unanimously

### **Resolution #378 - Appointing Crew Chief Municipal Repairs**

On a motion by Councilman Boyd

Seconded by Councilman Ruthven

**WHEREAS**, there is a vacancy in the position of Municipal Repairs Manager within the Town of Kent Municipal Repairs Department; and

**WHEREAS**, Richard Othmer, the Town of Kent Highway Superintendent has recommended the promotion of Matthew Kiernan to the position of Crew Chief Level II to act as temporary manager until such time as a Municipal Repairs Manager is hired; and

**WHEREAS**, the Town Board wishes to accept Mr. Othmer's recommendation to act as Crew Chief Level II and to act as temporary manager of Municipal Repairs.

**NOW, THEREFORE, BE IT RESOLVED**, that Matthew Kiernan is hereby appointed to the position of Crew Chief Level II to act as temporary manager of Municipal Repairs.

Motion carried unanimously

### **Resolution #379 - To Promote Temporary Mechanic Helper to Full Time Mechanic Helper for Town Highway Department** **RESCINDED 12/19/23 BY TB #391**

On a motion by Councilman Ruthven

Seconded by Councilman Tompuri

**WHEREAS**, the Highway Superintendent, Richard Othmer, wishes to promote Christopher Carroll from his current position as Temporary Mechanic Helper to Full Time Mechanic Helper; and

**WHEREAS**, the Town Board wishes to accept the recommendation of the Superintendent of Highways and promote Mr. Carroll;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes the promotion of Mr. Carroll from Temporary Mechanic Helper to Full Time Mechanic Helper in the Highway Department; 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 #380 - Authorizing Town Clerk to Advertise for 2024 Annual Bids for Highway Services & Materials**

On a motion by Councilwoman Campbell

Seconded by Councilman Ruthven

**WHEREAS**, the Town of Kent Highway Superintendent wishes to advertise for annual bids for services and materials regularly used by the Highway 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 Highway Services and Materials;

**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 annual bids for Highway Services and Materials.

Motion carried unanimously

### **Resolution 381 - Appointing Member to Lake Carmel Park District Advisory Board**

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On a motion by Councilman Ruthven  
Seconded by Councilwoman Campbell

**WHEREAS**, the Lake Carmel Park District Advisory Board (the “LCDPAB”) currently has a vacancy, and Lily Moynihan has submitted an application and been interviewed to fill said vacancy; and

**WHEREAS**, the LCPDAB has recommended the appointment of Lily Moynihan to the Board; and

**WHEREAS**, the Town Board of the of Kent wishes to appoint Lily Moynihan to fill the vacancy on the LCPDAB;

**NOW, THEREFORE, BE IT RESOLVED**, that Lily Moynihan be appointed as a member of the Lake Carmel Park District Advisory Board for a term expires on December 31, 2025.

Motion carried unanimously

### **Approve memorandum of Understanding with Putnam County - Tabled**

### **Resolution #382 -Authorizing Purchase of two (2) 2023 Dodge Durango Police Pursuit SUVs**

On a motion by Councilman Tompuri  
Seconded by Councilman Ruthven

**WHEREAS**, the Town Board of the Town of Kent is in receipt of a request dated December 1, 2023 from the Chief of Police, Kevin Owens, to purchase two 2023 Dodge Durango Police Pursuit SUVs (the “Police Vehicles”), 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 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 Police Vehicles are 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 Police Vehicles 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 two 2023 Dodge Durango Police Pursuit SUVs for the purchase price of \$61,327.67 each from Joe Cecconi’s Chrysler and Emergency Vehicle Specialists; 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

### **NRI – Funding for Publication**

Councilwoman Campbell explained there is a shortfall on funding to publish our Natural Resource Inventory. It is almost finished and at the graphic designer. It is a planning document to be used in the future. She said they are short for funding and have looked at different options and not eligible under the grant opportunities. She proposed allocating ARPA funds for this knowing we allocated \$28,000 for groundwater protection plan which is now being funded through CREST funding. This project for publication is \$13,500.

### **Resolution #383 - NRI Publication**

On a motion by Councilwoman Campbell  
Seconded by Councilman Ruthven

Resolved: The NRI Publication can be completed using ARPA Funding that was allocated to groundwater protection and no longer needed.

Motion carried unanimously

### **Resolution #384 - Authorizing Contract with Putnam County Office for Senior Resources**

On a motion by Councilman Ruthven  
Seconded by Councilman Tompuri

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**WHEREAS**, the Town of Kent has previously contracted with Putnam County Office of Senior Resources to provide outreach services to residents in the Town of Kent; and

**WHEREAS**, the Town Board wishes to renew its agreement with the Putnam County Office of Senior Resources to continue to provide outreach services to residents in the Town of Kent;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes and approves the payment of a cost not to exceed \$2,500 to the Putnam County Office for Senior Resources to continue its outreach services to Kent residents; 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 #385 - Add Item to the Agenda**

On a motion by Supervisor McGlasson

Seconded by Councilwoman Campbell

Resolved: NYSERDA Energy Benchmarking was added to the agenda.

Motion carried unanimously

### **Resolution #386 - NYSERDA ENERGY BENCHMARKING PROGRAM**

On a motion by Councilwoman Campbell

Seconded by Councilman Ruthven

**WHEREAS**, the Town Board of the Town of Kent wishes to analyze the energy usage of municipal buildings and facilities to determine means of saving energy and reducing costs; and

**WHEREAS**, the Hudson Regional Council provides technical assistance for a NYSERDA energy benchmarking program for municipalities (the "Program"); and

**WHEREAS**, the Kent Client Smart Task Force (the "Task Force") wishes to assist in the Town's participation in the Program and complete the following action items in connection with same:

1. Create an ENERGY STAR Portfolio Manager Account.
2. Gather basic information required by Portfolio Manager and set up property profiles for municipal buildings and facilities.
3. Obtain monthly, whole building energy use data for all fuel types including, but not limited to, electricity, natural gas, fuel oil, chilled water, steam, and diesel.
4. Enter property uses and details into profiles.
5. Enter energy use data for all fuel types.
6. Generate and review each building's report in Portfolio Manager.
7. Submit the reports to the municipality through Portfolio Manager.
8. Make available to the public on the internet annual summary statistics for each covered property including Energy Use Intensity (EUI), annual greenhouse gas emissions, an energy performance score where available, and other descriptive information as required by Portfolio Manager.

Items 1 through and including 8 shall hereinafter be referred to, collectively, as the "Action Items"; and

**WHEREAS**, the Town Board wishes to participate in the Program and provide the necessary information to the Task Force to complete the Action Items above in connection with the Program.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby agrees to participate in the Program and agrees to provide the necessary documentation to the Task Force to complete the Action Items; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Kent hereby authorizes the Task Force to complete the Action Items.

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Motion carried unanimously

### **Resolution #387 - Vouchers & Claims**

On a motion by Councilman Ruthven

Seconded by Councilman Tompuri

Resolved: All Vouchers #200169963 - #200170221 and claims submitted by:

Allegiance Trucks	\$9,265.88	Truck Parts
Amthor Welding Service	\$3,714.78	Plow Parts
	\$27,644.30	2 Plows
Barton & Loudice, DPC	\$4,000.00	Lake Carmel Community Center Study
	\$3,300.00	
	\$6,975.00	
Calculated Fire Protection	\$8,430.00	Antifreeze Replacement: Library
DNR Laboratories	\$9,019.00	Cablecast Upgrade
Dun-Rite Construction	\$42,076.00	Final Payment: Ryan Park Driveway
	\$2,000.00	Final Payment: LC Walking Path
Edmund's GovTech	\$4,630.50	Tax Collection Maintenance
General Code	\$3,073.00	Code Supplements
Global Montello Group	\$4,390.11	Gas
	\$6,220.01	Diesel
	\$3,355.96	Diesel
Hogan, Rossi & Liguori	\$5,416.63	Legal Services: December
Kevin Irwin	\$5,877.00	Prosecutor: Aug-Oct
Jim Liebler, Inc.	\$3,800.00	Balance Window Install
Medicare Reimbursements	\$31,429.40	4 <sup>th</sup> Quarter Reimbursements
Morton Salt	\$15,361.49	Road Salt
NYCOMCO	\$2,972.00	2 Way Radios Police: November
Robert Green Auto & Truck	\$62,873.41	Police Dodge Durango
	\$4,417.58	Truck Parts
Laura Roberts	\$2,835.00	Prosecutor: November
Roemer Wallens Gold & Mineaux	\$2,159.00	Teamster Negotiations
State Comptroller	\$45,372.00	Justice Court Fines & Fees: October
Town of Kent Municipal Repairs	\$2,203.23	Chargebacks: Police June
Win Waste	\$7,564.81	Lake Carmel Garbage
	\$10,773.76	
	\$3,642.40	
	\$7,361.58	

In the amount of \$456,824.64 may be paid.

Motion carried unanimously

### **Announcements**

- Please visit the Kent Recreation Website to sign up for Kickboxing, Volleyball, Bowling, Basketball, Ice Skating and Karate all are open for registration.
- Operation Christmas Morning with Toys for Tots is up and running please donate your toys before December 20, 2023 in the box located in the lobby at town hall.
- Kent Library is having lots of craft workshops for all ages please visit their website.
- Book Sale December 9<sup>th</sup> from 10 – 2p.m.
- December 11 there will be an Emergency Preparedness Workshop at the Kent Library.
- The Library is also having a toy drop off with Toys for Tots.
- The 4H Puppeteers Players are having a performance on Saturday 12/9 at 10:30 at the Library.
- The Carmel Football Team thanked the community for the send off, it was fantastic involving multiple agencies, fire departments, first responders, highway, police departments and residents. It wasn't the ending they wanted but they had a great season.

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### **Public Comment**

Henry Boyd, Chamber of Commerce wanted to clarify his wife Julie Boyd's letter that was published in the paper. He said as chamber members they are collectors of information from people. He said the letter was not from their hearts in particular but from the people of the chamber who had problems and questions. He said the Highway Superintendent took the bulk and responded quickly to the questions. He apologized he said you're the best we have ever had and thanked him. He said already tonight the board has solved two of the questions from the people. He said if you do not know what people are thinking than you do not know how you should vote. He said a lot of people are upset with a road going through the Recycling Center. He offered his assistance with sidewalks. He said Arts on the Lake is having a Train Show this weekend through January 14<sup>th</sup>. It is a great show and they are having a cookie sale too from 1:00 p.m. – 5:00 p.m.

Bill Walters said the Candy Cane runs are running this Saturday starting at 9 until 4 p.m.

Sue Kotzur asked about the land being transferred to the Kent Highway Department from Putnam County. She asked how large is the road going to be, is the cost in the budget, will special permits be needed to enter Route 311. Highway Superintendent Othmer replied the County approved the conveyance of the land to the town for \$1.00. It is less than 9 acres, the road will be built by the highway department, they have the equipment and the millings. A permit is needed for NYSDOT. He will be working with Insite Engineering to design the road

### **Resolution #388 - Adjourn to Executive Session**

On a motion by Supervisor McGlasson

Seconded by Councilman Ruthven

Resolved: The town board adjourned to executive session at 8:15 p.m.to discuss personnel

Motion carried unanimously

### **Resolution #389 - Close Executive Session**

On a motion by Supervisor McGlasson

Seconded by Councilman Ruthven

Resolved: Executive session adjourned at 9:25 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli, Town Clerk