

Town of Kent
Town Board Meeting
April 9, 2024

Workshop/Meeting: 7:00

1. Pledge of Allegiance
2. Roll Call
3. Discussion and/or Vote on the following:
 - a) Police Department- accept retirement, hire, promotion
 - b) Short Term Rentals- discussion
 - c) Environmental, General, Architectural Engineering- go out to bid
 - d) Managed Technologies of NY Inc- award bid
 - e) Lake Carmel- cowboy sand
 - f) Recreation-emergency fence repair, hire seasonal worker
 - g) Brown and Brown- Insurance renewal
 - h) Water Districts- WIIA grant engineering report
 - i) Cemetery Mowing- award bid
 - j) Highway-accept resignation
4. Vouchers
5. Announcement
6. Public Comment

Added to the Agenda

- Bridge NY Funding & Implementation for Nimham and Sagamore
- PFAS Litigation

The Town of Kent Town Board Meeting was held on Tuesday, April 9, 2024 at 7:00 p.m. To see the full meeting visit the Town of Kent's website at www.townofkentny.gov under Video's on Demand.

Pledge of Allegiance

Supervisor Jaime McGlasson called the meeting to order with the Salute to the Flag at 7:00 p.m.

Roll Call

Supervisor Jaime McGlasson – present
Councilwoman Anne Campbell – present
Councilman Shaun Boyd – not present

Councilman Jorma Tompuri –present
Councilman Chris Ruthven – present

Also present: Town Clerk Cappelli, Town Counsel Tagliafiero, Highway Superintendent Othmer, Police Chief Owens and several police officers and dispatchers, Building Inspector Walters and several residents

Resolution #138 - Recognizing Retirement

On a motion by Councilman Ruthven
Seconded by Councilwoman Campbell

WHEREAS, effective March 30, 2024, Lieutenant Tara Flynn is retiring from her position with the Town of Kent Police Department.

WHEREAS, the Town of Kent wishes to recognize Tara Flynn and give thanks for her service to the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent recognizes Lieutenant Tara Flynn on her retirement, with gratitude and appreciation for her service to the Town.

Motion carried unanimously

Resolution #139 - Approve Hiring of Police Officer

On a motion by Councilman Ruthven
Seconded by Councilwoman Campbell

WHEREAS, there is currently a vacancy in the Town of Kent Police Department for a police officer; and by letter dated April 4, 2024 to the Town Board, Chief of Police Kevin Owens has recommended the appointment of Michael Johnson, who is currently an officer with the NYPD, to fill the position; and

WHEREAS, Chief Owens, advises that Mr. Johnson is eligible to transfer according to Putnam County Personnel; and

WHEREAS, the Town Board wishes to accept the recommendation of the Chief of Police;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby appoints Michael Johnson as police officer in the Town of Kent Police Department, effective April 10, 2024; and it is

FURTHER RESOLVED, that the appointment of Mr. Johnson is contingent upon the passing of any further civil service requirements.

Motion carried unanimously

Resolution #140 - Approving Promotion Kent Police Department

On a motion by Councilman Ruthven
Seconded by Councilwoman Campbell

WHEREAS, there is currently a vacancy in the Town of Kent Police Department for the position of Lieutenant; and

WHEREAS, by letter dated April 1, 2024 to the Town Board, Chief of Police Kevin Owens has recommended the promotion of Det. Sgt. Alex Vanderwoude to fill the Lieutenant position; and

WHEREAS, the Town Board wishes to accept the recommendation of the Chief of Police;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby promotes Alex Vanderwoude to the position of Lieutenant of the Town of Kent Police Department effective as of April 1, 2024.

Motion carried unanimously

Short Term Rentals Discussion

Supervisor McGlasson said discussion began a few weeks ago with the circulation of code from Pawling, in the backup tonight is code regarding short term rentals from Putnam Valley. Councilman Ruthven said he needs to review their code and sit down with our attorney for the best options for Kent; what are we looking to achieve, we know the problem. Councilwoman Campbell thought it would be helpful to hear from a community that has had this in place for a while. Town Counsel Tagliafierro said for Pawling it has worked out, there are parts of Pawling where the homes are very desirable to stay in, they have been able to monitor how many people are in the homes for safety reasons and the other bonus having a registry is when there is a problem there is a contact, this all goes through the Building Department. Kathy Doherty asked if the fees received from the registration will cover the cost of the employee to monitor them. She said we have current problems with our code, she has chickens and ducks next door to her and they are not permitted, and how will this do in court. Frank Smith, an attorney with Shilling and Smith explained in 2019 New York State changed laws related to the notice given for evictions. He said ordinarily it could be bargained in a lease now it is based upon the time of occupancy, if someone is there 1 year or less they get 30 days' notice. If they have been there between 1 and 2 years they receive 60 days' notice and if more than 2 years they receive 90 days' notice. He said in the instance of the squatters known as a non-landlord tenant eviction, as a property owner you do not have a relationship with that person and can give a 10 day notice after if they do not vacate you can bring a summary proceeding to the local justice court. In our county we deal with people who stay in the residence after foreclosure. There is a post foreclosure eviction process, a 10 day notice served, if not out you go before the courts. Frank said there is no STR Law in the Town of Kent, the current Home Occupation Zoning Code refers to tourist homes which in an undefined term it is unclear what a tourist home occupation is. He said he has a client Nicole Glassman who resides at 2 Woodland Drive, he is scheduled to appear in Town Court for an illegal tourist home. He is prepared to try the case and believes it cannot be prosecuted. He said people like to visit our area, beyond visiting they bring revenue and there is nowhere to stay in Putnam County, if family visits and you do not have the space they will have to stay in Danbury or Fishkill. He said at present short term rentals are unregulated, the town only becomes aware of them through complaints or going on the short term rental websites. He said there are pros and cons, he believes the best way forward is to regulate it and put into code. He would like to see legislation created, it can safeguard the community, all is up to code, a mechanism to reach someone who is registered, and a means of creating revenue. He thinks it would clean up the issue of having no regulations, rectify the undefined tourist home angle and provide visitors, family the ability to spend time and money. Kathy Doherty suggested looking at different districts, in Lake Carmel the homes are on top of one another. Supervisor McGlasson said this discussion will continue to the first meeting in May. Councilman Boyd said Bob Bradley former ZBA Chairman, President of Plan Kent and Local Realtor could not be present but provided a statement on STR (attached).

Resolution #141 - Authorizing Town Clerk to Advertise for Proposals for On Call Environmental, General & Architectural Engineering Services

On a motion by Councilwoman Campbell

Seconded by Councilman Ruthven

WHEREAS, the Town Board wishes to advertise that it is seeking Proposals for on call environmental, general and architectural engineering services; and

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 on call environmental, general and architectural engineering services.

Motion carried unanimously

Resolution #142 - Accepting Resignation of Dorian W. McMath

On a motion by Councilwoman Campbell

Seconded by Councilman Ruthven

WHEREAS, effective April 11, 2024, Dorian W. McMath is resigning from his position with the Town of Kent Highway Department.

WHEREAS, the Town of Kent wishes to recognize Dorian W. McMath and give thanks for his service to the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the resignation of Dorian W. McMath, with gratitude and appreciation for his service to the Town.

Motion carried unanimously

Resolution #143 Add to the Agenda

On a motion by Supervisor McGlasson

Seconded by Councilman Campbell

Resolved: Bridge NY Funding was added to the agenda.

Motion carried unanimously

Resolution #144 - Approving Bridge NY Funding & Implementation - Nimham

On a motion by Councilman Ruthven

Seconded by Councilman Tompuri

WHEREAS, a project for the Nimham Road Over Seven Hills Lake Outlet Culvert Replacement-Town of Kent; Putnam County, P.I.N. 8763.25 (the "Project") is eligible for reimbursement of qualified costs from Bridge NY funding that calls for the post reimbursement of qualified costs to be borne at the ratio of 100% Bridge NY funds and 0% non-Bridge NY funds; and

WHEREAS, the Town of Kent will design, let and administer all phases of the Project; and

WHEREAS, the Town of Kent desires to advance the Project by making a commitment of 100% of the costs of design, right-of-way, and construction work for the Project of portions thereof.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent, duly convened, does hereby approve the Project; and

BE IT FURTHER RESOLVED, that the Kent Town Board hereby authorizes the Town of Kent to pay 100% of the cost of design, right-of-way, and construction work for the Project or portions thereof, with the understanding that qualified costs will be reimbursed from Bridge NY funding; and

BE IT FURTHER RESOLVED, that the sum of \$1,270,025 is hereby apportioned from the Town of Kent General Fund and made available to cover the cost of participation in the above phases of the Project; and

BE IT FURTHER RESOLVED, that the Kent Town Board hereby agrees that the Town of Kent shall be responsible for all costs of the Project, including costs which exceed the amount of reimbursement available from the NY Bridge Funding awarded to the Town of Kent; and

BE IT FURTHER RESOLVED, that in the event the costs of the Project exceed the amount appropriated above, the Kent Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification of the Supervisor thereof; and

BE IT FURTHER RESOLVED, that the Kent Town Board hereby agrees that the Town of Kent hereby commits that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and

BE IT FURTHER RESOLVED, that the Kent Highway Superintendent, Richard T. Othmer, Jr., be and is hereby authorize to execute all necessary agreements, certifications or reimbursement requests with NYSDOT for State Aid and/or Bridge NY funding on behalf of the Town of Kent in connection with the advancement or approval of the Project and providing for the

administration of the Project and the municipality's funding of the Project costs; and

BE IT FURTHER RESOLVED, that the Town of Kent will be responsible for all maintenance of the Project; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.
Motion carried unanimously

Sue Kotzur said the bridge on Nimham is a one way bridge. She would like to see the plans before it is put in and thinks some of the other residents would like to have some say and talk about it before it is constructed. Highway Superintendent Othmer replied the bridge must meet NYS and NYSDOT standards, it must be a two lane bridge in order to receive funding, you cannot build a 19th century bridge it must accommodate fire, concrete, oil trucks, he said it is out of his hands. He said we may have a say on how it looks but must be built to modern standards. Sue Kotzur said the 19th century bridge has been in use for many years she said fire, concrete, oil and logging trucks go over the bridge it is the people that bang into the bridge that are compromising the bridge. She said it is a quaint little bridge and does not want to see it go into a two lane bridge. She would like to see documentation stating it must be a two lane bridge. Highway Superintendent Othmer replied it must be a two lane bridge by law.

Resolution #145 - Approving Bridge NY Funding and Implementation -Sagamore

On a motion by Councilman Tompuri

Seconded by Councilman Ruthven

WHEREAS, a project for the Sagamore Drive Over West Branch Croton River Culvert Replacement-Town of Kent; Putnam County, P.I.N. 8763.24 (the "Project") is eligible for reimbursement of qualified costs from Bridge NY funding that calls for the post reimbursement of qualified costs to be borne at the ratio of 100% Bridge NY funds and 0% non-Bridge NY funds; and

WHEREAS, the Town of Kent will design, let and administer all phases of the Project; and

WHEREAS, the Town of Kent desires to advance the Project by making a commitment of 100% of the costs of design, right-of-way, and construction work for the Project of portions thereof.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent, duly convened, does hereby approve the Project; and

BE IT FURTHER RESOLVED, that the Kent Town Board hereby authorizes the Town of Kent to pay 100% of the cost of design, right-of-way, and construction work for the Project or portions thereof, with the understanding that qualified costs will be reimbursed from Bridge NY funding; and

BE IT FURTHER RESOLVED, that the sum of \$1,300,060 is hereby apportioned from the Town of Kent General Fund and made available to cover the cost of participation in the above phases of the Project; and

BE IT FURTHER RESOLVED, that the Kent Town Board hereby agrees that the Town of Kent shall be responsible for all costs of the Project, including costs which exceed the amount of reimbursement available from the NY Bridge Funding awarded to the Town of Kent; and

BE IT FURTHER RESOLVED, that in the event the costs of the Project exceed the amount appropriated above, the Kent Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification of the Supervisor thereof; and

BE IT FURTHER RESOLVED, that the Kent Town Board hereby agrees that the Town of

Kent hereby commits that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and

BE IT FURTHER RESOLVED, that the Kent Highway Superintendent, Richard T. Othmer, Jr., be and is hereby authorize to execute all necessary agreements, certifications or reimbursement requests with NYSDOT for State Aid and/or Bridge NY funding on behalf of the Town of Kent in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's funding of the Project costs; and

BE IT FURTHER RESOLVED, that the Town of Kent will be responsible for all maintenance of the Project; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Motion carried unanimously

Resolution #146 - Awarding Bid for IT Services

On a motion by Councilman Ruthven

Seconded by Councilman Tompuri

WHEREAS, the Town of Kent duly advertised for proposals for IT services for the Town Departments; and

WHEREAS, the bids were opened and publicly read; and

WHEREAS, the Town Board wishes to accept the bid submitted by Managed Technologies of NY, Inc. for the monthly fee of \$6,000 and annual fee of \$72,000.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the bid of Managed Technologies of NY, Inc. as further detailed above; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized and directed to execute any agreements in connection with the above.

Motion carried unanimously

Resolution #147 - Accepting Quote for Beach Sand

On a motion by Councilman Boyd

Seconded by Councilman Ruthven

WHEREAS, the Lake Carmel Park District Clerk has advised the Town Board that there is a need to purchase beach sand for use within the Lake Carmel Park District; and

WHEREAS, in accordance with the Town's Procurement Policy, the LCPD Clerk requested three quotes for 70 yards of sand with delivery, and received 2 quotes in response to such request, a summary of which is annexed hereto and incorporated herein by reference; and

WHEREAS, KLM Trucking LLC has submitted the lowest quote in the amount of \$56.50/yard; and

WHEREAS, the Town of Kent wishes to accept the quote of KLM Trucking;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the quote of KLM Trucking for 70 yards of sand, delivered, for the price of \$56.50/yard.

Motion carried unanimously

Resolution #148 - Accepting Proposal for Repair to Fence at Ryan's Field

On a motion by Councilman Boyd

Seconded by Councilwoman Campbell

WHEREAS, the fence at Ryan's Field is in need of emergency repair; and

WHEREAS, Duke Fence has submitted a proposal for the emergency repair at \$1,960; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the quote submitted by Duke Fence and to ratify any and all action taken by Town officials in connection with the emergency repair;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the proposal of Duke Fence to repair the fence at Ryan's Field for a total cost not to exceed \$1,960; and

BE IT FURTHER RESOLVED, that the Town Board hereby ratifies any and all actions taken by Town Officials including, without limitation, the Town Supervisor, in connection with the repair.

Motion carried unanimously

Resolution #149 - Hire Seasonal Park Maintenance Worker for Recreation & Parks

On a motion by Councilman Tompuri

Seconded by Councilman Ruthven

WHEREAS, the Town of Kent is seeking to fill a vacant position for Seasonal Park Maintenance Worker for Recreation and Parks Department; and

WHEREAS, by letter dated April 3, 2024, Claudia Dworaczyk, has recommended the hiring of Volodymyr Vasylyshin; and

WHEREAS the Town Board wishes to accept the recommendation as further detailed above;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Volodymyr Vasylyshin, as Seasonal Park Maintenance Worker for the Recreation and Parks at the hourly rate of \$20.00 effective April 10, 2024, subject to satisfactory completion of all required background checks.

Motion carried unanimously

Resolution #150 - Insurance Renewal

On a motion by Councilman Ruthven

Seconded by Councilman Tompuri

WHEREAS, certain insurance policies for the Town of Kent held through NYMIR are in need of renewal; and

WHEREAS, the Town Board of the Town of Kent is in receipt of a Property and Casualty Proposal for the Town of Kent from Brown & Brown (the "Proposal"); and

WHEREAS, the Proposal details all coverages and limits for NYMIR policies renewing on April 8, 2024, a copy of which Proposal is annexed hereto and incorporated by reference herein; and

WHEREAS, the Town Board of the Town of Kent wishes to renew the above policy consistent with the proposal; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent approves and accepts the Proposal from Brown & Brown to renew its insurance policies consistent with the proposal; and

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

DATE
3/29/2024

Beach Sand for Lake Carmel Park District
Cowbay Sand 1 mil - 70 yards total delivered

<u>\$ Amount Per</u>	<u>Total # of</u>	<u>Total \$/ Delivered</u>
<u>Yard/Ton</u>	<u>Yards</u>	

KLM Trucking			
Kenneth Maudlin	\$56.50/yard	70	Delivered

MJB Enterprises LLC	PO Box 764, Pawling	\$58.00/Yard	70	Delivered
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Liberty Bell Trucking Co., Inc.		\$/Yard	70	No quote received
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Loose Sand Conversion Rate: 1.25
1.25 Tons = 1 Yard

Town Attorney.
Motion carried unanimously

Water Districts – WIIA Grant Engineering Report - This Item Tabled

Resolution #151 – Awarding Quote for Mowing of Cemeteries

On a motion by Supervisor McGlasson
Seconded by Councilman Ruthven

WHEREAS, the Town of Kent duly advertised for bids for the mowing of the Town of Kent cemeteries; and

WHEREAS, All Seasons has submitted the lowest bid in the amount of \$7,500 for providing this service;

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby accepts the quote of All Seasons for the mowing of the Town of Kent cemeteries in the overall amount of \$7,500 for 2024, 2025 and 2026.
Motion carried unanimously

Resolution #152 – Add Item to the Agenda

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

Councilman Boyd said PFAS is an upcoming contaminant it is a derivative of Teflon it has been around before the 1960 manufactured by two particular companies. This contaminant known as Forever Chemicals is known to be in some well in our water district. There is a class action suit against two of the companies that manufactured and distributed products that had PFAS and PFOA in it. We are joining that class action suit and would like to be a part of it. Whatever settlement if received the attorney would receive a portion of the settlement, nothing out of pocket. The funds if received would go to remediate the wells and testing.

Resolution #153 – Agreement with Sarcone Law

On a motion by Councilman Ruthven
Seconded by Councilwoman Campbell
Resolved: The Supervisor is authorized to sign an agreement with Sarcone Law Firm to enter the Class action lawsuit against the manufactures of PFAS and PFOA.
Motion carried unanimously

Resolution #154 - Approve Vouchers & Claims

On a motion by Councilman Ruthven
Seconded by Councilwoman Campbell
Resolved: Vouchers #200171507 - #200171704 and Claims submitted by:

1. Barton & Loguidice	\$6,379.75	Lake Carmel FEMA
	\$8,209.33	Lake Louise Culvert
2. Brown & Brown Insurance	\$84,828.53	Cyber Policy Renewal
3. Custom Bandag	\$5,840.52	Tires
4. First Person Sports	\$4,320.00	Laser Tag
5. Fred A. Cook Jr. Inc.	\$2,800.00	Vactor Jet Rodder: Lake Carmel
6. GAR Assoc.	\$35,000.00	Contract Billing: Reassessment
7. Global Montello Group	\$3,982.60	Gas
8. Richard Harris	\$5,923.04	Termination Pay Out
9. Insite Engineering	\$2,046.00	Huestis Park
10. Magna SMS	\$7,616.37	Network Services: April
11. NYSEG	\$2,641.22	Electric: Town Hall
	\$2,846.64	Electric: Ryan's Field
12. RCJ Welding	\$3,200.00	Welding: Sanitation Truck
13. Laura Roberts	\$2,835.00	Prosecutor: March
14. State Comptroller	\$32,631.00	Justice Court Fines & Fees: February
15. Transaxle	\$3,809.44	Truck Parts
16. Twin County Collision	\$4,513.30	Repair of PD Dodge Durango
17. Win Waste	\$8,391.74	Lake Carmel Garbage

TOWN BOARD MEETING APRIL 9, 2024

	\$8,219.98	
	\$8,863.89	
18. Royal Carting	\$5,938.90	Recycling Garbage

In the amount of \$251,188.49 may be paid.

Motion carried unanimously

Announcements

- Lake Carmel Fire Department and the Kent Fire House will have an Open House on Sunday, April 15, 2024 from 10:00 a.m. to 1:00 p.m.
- Putnam County Department of Health is having a Hazardous Waste Drop Off on May 4th from 8:30 a.m. to 12:30 p.m. for PC residents only preregister at putnamcountyny.com/health/recycle
- The Easter Egg Hunt at Ryan's Field had a great turnout over 300 children and 3 different sessions.
- April 20 is Kent Cleanup Day, you can pick up supplies at the Kent Police Department until 11:30 a.m.
- There will be a Memorial Service for past Councilman Dennis Illuminate on Saturday April 14, 2024 at Our Lady of the Lakes at 11:30 a.m.
- The Kent Library has ongoing Homework Help on Wednesday afternoons at 4:30 p.m.
- There will be a series of History Talks via Zoom on the last Wednesday of the month at 6:00 p.m. from the Franklin Roosevelt Site.
- There will be a fishing craft this Saturday at the Library at noon.
- There are many activities and events planned for Earth Week please visit the Kent Library website to learn about those.

Public Comment

Kathy Doherty asked if we are hiring EMS workers. Supervisor McGlasson replied not yet but starting the process to.

Resolution #155 - Adjournment

On a motion by Councilman Ruthven

Seconded by Councilman Tompuri

Resolved: The Town Board meeting of April 9, 2024 adjourned at 8:14 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli
Town Clerk