

A regular meeting was held at 7:00 p.m. at the Kent Town Hall, 25 Sybil’s Crossing, Kent Lakes, New York 10512.

Pledge of Allegiance

The workshop meeting was called to order at 7:00 p.m. with the Salute to the Flag

Police Officers – Swearing In

Supervisor Fleming acknowledged the excellent Kent Police Department and introduced the newest members to the department, Michael Weltman and Alyssa Rae DiVeglio. They were sworn in by Supervisor Fleming and pinned by their family members.

2017 Audit Presentation –

Rob Daniele, of PKF O’Connor Davies presented a power point on the audit of the 2017 financial statements done by them. Please see attached.

Workshop Meeting

The Board reviewed and discussed all items on the workshop agenda.

Resolution #290 - Appoint Acting Chief of Police

On a motion by Councilwoman McGlasson
Seconded by Councilwoman Woolley

WHEREAS, Alexander W. DiVerneiri, Jr. resigned his position as Chief of Police of the Town of Kent Police Department effective as of July 31, 2018; and

WHEREAS, the Town Board wishes to appoint Lt. Kevin Owens as acting Chief of Police of the Town of Kent;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby appoints Lt. Kevin Owen as acting Chief of Police of the Kent Police Department.
Motion carried unanimously

Public Comment

A resident from Clubhouse Drive was present representing his neighbors. He said they have put in complaints about the disarray of their road and the speed of those traveling the road and asked if anything can be done. Supervisor explained the Highway Superintendent is the elected official in charge of the roads but said she will speak with him tomorrow and the acting Chief is in the room.

Curtiss Watkins questioned why tonight a bid was awarded having only received two bids when Recycling had three bids go out and two came back. Supervisor Fleming replied all three of the vendors were actually contacted and refused to submit a bid. The Recycling Center sent out for three bids but one of them came back as undeliverable, the third vendor was not at the address.

Roll Call

Supervisor Fleming- present	Councilman Denbaum-not present
Councilwoman McGlasson- present	Councilman Huestis- not present
Councilwoman Woolley- present	

Also Present: Town Clerk Cappelli, Town Counsel Nancy Tagliafiero, Lt. Kevin Owens, Recycling Chairpersons Sue Kotzur and Howard Carpenter, several Kent Police Officers and several members of the public.

Resolution #291 - Add to the Agenda

On a motion by Councilwoman McGlasson
Seconded by Councilwoman Woolley
Resolved: Temporary Sales Event for a one day food truck permit was added to the agenda.
Motion carried unanimously

Resolution #292 - Community Day – Acceptance of a Temporary Sales Event One Day Food Truck Permit

On a motion by Councilwoman McGlasson

Seconded by Councilwoman Woolley

Resolved: The acceptance of a permit for a Temporary Sales Event and payment of \$25.00 as authorization for food trucks to sell food at Kent Community Day on September 8th, 2018 rain date September 9th, 2018 in lieu of a Peddler's Permit was approved.

Motion carried unanimously

Amended 9/4/2018 by Resolution #316

Resolution #293 — Authorize Supervisor To Execute Access Easement & Maintenance Agreement

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

~~———— WHEREAS, the Town Board of the Town of Kent has received a proposed Access Easement and Maintenance Agreement from John Clancy ("Clancy") showing a proposed Easement upon, under and across premises shown on the Tax Map of the Town of Kent as 22-1-23.2 ("Town Parcel"); and~~

~~———— WHEREAS, Clancy is the contract vendee of three (3) parcels of land located in the Town of Kent shown on the Tax Map of the Town of Kent as 22-1-21, 12-3-74 and 22-1-22 ("Grantee Parcels"); and~~

~~———— WHEREAS, said Access Easement and Maintenance Agreement would grant Clancy permission to gain access to the Grantee Parcels for the purposes of constructing a warehouse and storage facility, including without limitation the construction and installation of all improvements necessary or convenient thereto, and conducting its business thereon, ingress to and egress from the Grantee Parcels from and to NYS Route 52, and for the installation, use, repair, replacement and maintenance of utility lines and appurtenances, upon, over, under and across a certain portion of the Town Parcel; and~~

~~———— WHEREAS, the said Access Easement and Maintenance Agreement would obligate Clancy to maintain the easement area granted therein;~~

~~———— WHEREAS, the County of Putnam (the "County") granted and conveyed the Town Parcel to the Town of Kent by a deed dated December 12, 1990 and recorded in the Putnam County Clerk's Office on December 18, 1990 (the "County Deed"), and in said Deed the County (i) reserved a right of way and easement across the Town Parcel; (ii) granted a right of way and easement to the Town across the Town parcel; and (iii) created a reversionary interest for its benefit providing that the Town Parcel shall revert to the County in the event that the Town Parcel is used to provide a right of way or other access to any lands other than those owned by the County without the County' express written consent, or in the event that the Town Parcel is used for other than a public purpose and benefit.~~

~~———— WHEREAS, by Resolution No. 191 of 2018 of the Putnam County Legislature, the County of Putnam Legislature consented to and approved the Access Easement and Maintenance Agreement; and~~

~~———— WHEREAS, the Town Board wishes to grant the easement memorialized by the Access Easement and Maintenance Agreement;~~

~~———— NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes and directs the Supervisor to execute the Access Easement and Maintenance Agreement, and all other documents necessary to give effect to this Resolution, consistent with the terms hereof and in such form as is satisfactory to the Town Planner and Town Attorney.~~

Motion carried unanimously

Amended 9/4/2018 by Resolution #315

Resolution #294 — Authorize Supervisor to Execute Memorandum of Understanding

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

~~WHEREAS, the Town Board of the Town of Kent has received a proposed Memorandum of Understanding from John Clancy ("Clancy") concerning the contemplated development by Clancy of three (3) parcels of land located in the Town of Kent shown on the Tax Map of the Town of Kent as 22.1-21, 12.3-74 and 22.1-22 ("Grantee Parcels"); and~~

~~WHEREAS, Clancy is the contract vendee of the Grantee Parcels; and~~

~~WHEREAS, the Town Board is advised that the Memorandum of Understanding memorializes the understanding as between the Town Board and Clancy as it relates to Clancy's future development of the Grantee Parcels;~~

~~WHEREAS, in consideration of a certain easement granted by the Town to Clancy pursuant to the Access Easement and Maintenance Agreement considered and approved in conjunction herewith, the Town and Clancy have discussed, and desire to confirm, that in the event Clancy proceeds with development of the Grantee Parcels, (i) the Town and Clancy will each convey and exchange portions of their respective Parcels to the other as described in the Memorandum of Understanding ; and (ii) Clancy will grant to the Town an access easement over the Town Parcel to be conveyed to Clancy for access to the existing Town Center property;~~

~~WHEREAS, Clancy desires to confirm his obligation to incorporate the land exchange and access easement into any design plan for the development of the Grantee Parcels, and his agreement and understanding that site plan approval for any such development will be subject to and conditioned upon the delivery to the Town of a fully executed deed to the portion of the Grantee Parcels to be exchanged, and a fully executed access easement;~~

~~WHEREAS, the Town Board wishes to authorize the Town Supervisor to execute the Memorandum of Understanding;~~

~~NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes and directs the Supervisor to execute the Memorandum of Understanding, and all other documents necessary to give effect to this Resolution, consistent with the terms hereof and in such form as is satisfactory to the Town Planner and Town Attorney.~~
Motion carried unanimously

Resolution #295 Authorize Conveyance on Portion of Denning Road

On a motion by Councilwoman McGlasson

Seconded by Councilwoman Woolley

WHEREAS, by resolution dated June 5, 2018, the Town Board found that property known as "Denning Road" is unneeded by the Town and the Town Board authorized the sale of said property, subject to permissive referendum; and

WHEREAS, through no fault of the current owners, Maristan Properties, Inc., a portion of the dwelling situated at 24 Grasslands Road in the Town of Kent encroaches on Denning Road, and Maristan Properties, Inc. wishes to acquire the property known as Denning Road; and

WHEREAS, no petition for permissive referendum has been received on said sale, and the Town Board wishes to authorize the conveyance to Maristan Properties, Inc.;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Town Supervisor to execute any and all documents necessary to give effect to this Resolution, including, without limitation, the deed in the form annexed hereto, all in form satisfactory to the Supervisor and the Town Attorney.
Motion carried unanimously

Resolution #296 - Authorizing Conveyance on Portion of Philipse Road

On a motion by Councilwoman McGlasson

Seconded by Councilwoman Woolley

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WHEREAS, by resolution dated December 5, 2017, the Town Board found that a portion of Philipse Road, shown on a map annexed hereto, is unneeded by the Town and the at Town Board authorized said portion to be offered for sale; and

WHEREAS, by email dated March 8, 2018, Peter Warren of Moksha Kutir LLC has offered to purchase said portion of Philipse Road for \$2,500; and prior to such sale, the Town Board must publish a notice of such sale subject to permissive referendum;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes its Town Clerk, Yolanda D. Cappelli to publish a notice of the sale of such property and should no petition for a permissive referendum be requested for the sale of such property, such sale shall be consummated to Peter Warren of Moksha Kutir LLC for the sum of \$2,500.
Motion carried unanimously

Resolution #297 - Accept Members to the Lake Carmel Fire Department

On a motion by Councilwoman Woolley

Seconded by Supervisor Fleming

WHEREAS, the Lake Carmel Fire Department has recommended the acceptance of Wayne Resino, Mary E. Rodda, Vladimiro R. Cardona, and Anthony R. Cardona as new members of the Lake Carmel Fire Department; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the recommendations of the Lake Carmel Fire Department;

NOW, THEREFORE, BE IT RESOLVED, that Town Board of the Town of Kent hereby accepts Wayne Resino, Mary E. Rodda, Vladimiro R. Cardona, and Anthony R. Cardona as members of the Lake Carmel Fire Department; 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, consistent with the terms hereof and in such form as is satisfactory to the Town Supervisor and the Town Attorney.
Motion carried unanimously

Resolution #298 - Accept Donation for Lake Carmel Tree Planting Initiative

On a motion by Councilwoman Woolley

Seconded by Councilwoman McGlasson

WHEREAS, by Resolution dated July 24, 2018, the Town Board authorized the establishment of a trust fund to hold donations received on behalf of the Lake Carmel Tree Planting Initiative; and

WHEREAS, the Town of Kent has received a donation from the Putnam County Housing Corporation in honor of Jessie Huestis in the amount of \$100; and

WHEREAS, the Town wishes to accept the donation, with gratitude to be held in the trust as described above.

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby accepts the donation of the Putnam County Housing Corporation in honor of Jessie Huestis with thanks for its generosity; and it is

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 #299 - Authorizing Temporary Sales Event – Lakeview Community Church

On a motion by Councilwoman Woolley

Seconded by Councilwoman McGlasson

WHEREAS, pursuant to Chapter 58 of the Code of the Town of Kent, no temporary sales event may be conducted in the Town of Kent without first applying for a permit from the Town Board; and

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WHEREAS, Lakeview Community Church has submitted an application to conduct a temporary sales event in the form of a tag sale at its location at 387 Route 52, Carmel, New York on September 15, 2018 and proposes a rain date of September 29, 2018; and

WHEREAS, the Town Board has reviewed the Application and supporting documentation and finds the Application to comply with the requirements of the Town Code of the Town of Kent in all respects, but recommends that ingress and egress to the site be marked on the drawing attached to the application; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the issuance of an operating permit to Lakeview Community Church to conduct a tag sale at its location at 387 Route 52 on September 15, 2018 with a rain date of September 29, 2018, subject to revision of the plan to note the location of ingress and egress.

Motion carried unanimously

Resolution # 300 - Accept Erosion Control Surety Bond TM#41.-1-8 – Ryder

On a motion by Councilwoman Woolley

Seconded by Councilwoman McGlasson

WHEREAS, the Planning Board, by Resolution dated June 14, 2018, has recommended that the Town Board accept (i) an Erosion Control Bond in the amount of \$4,123; and (ii) an escrow fund for inspection fees in the amount of \$1,000, from the owner of the property located at 170 Waywayanda Court, Kent New York, identified as Tax Map No. 41.-1-8 (the "Lot"); and

WHEREAS, the Town Board of the Town of Kent wishes to follow the recommendations of the Planning Board;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the recommendation of the Planning Board and approves the posting of an Erosion Control Bond in the amount of \$4,123 and escrow fund for inspection fees in the amount of \$1,000.

Motion carried unanimously

Resolution #301 - Authorize Acceptance of Quotes Plumbing & Generator Service Water District #1

On a motion by Councilwoman Woolley

Seconded by Councilwoman McGlasson

WHEREAS, the Town Board has been notified of certain repairs which are urgently needed at Water District #1; and

WHEREAS, the Board is in receipt of a quote from Lumar Plumbing & Heating in the amount of \$5,500.00 and a quote from GenServe, Inc., in the amount of \$5,550 to make, in accordance with the service contracts, these necessary repairs, copies of said quotes being attached hereto and incorporated by reference; and

WHEREAS, the Town Board wishes to authorize Lumar Plumbing & Heating and GenServe to make such needed repairs for an overall cost not to exceed \$11,100; and

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby accepts the quotes of Lumar Plumbing & Heating and GenServe for a total cost not to exceed \$11,100; and it is

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 #302 - Authorize Correction of Violations, Acceptance of Proposal & Charge to Property Owners

On a motion by Councilwoman Woolley

Second by Councilwoman McGlasson

WHEREAS, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation (the "Order to Remedy Removal of Brush") directing the owners to remove rubbish, excess weed, grass and brush growth from the following properties:

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69 Clubhouse Drive Tax Map 33.35-1-46
32 Palmer Trail Tax Map 44.6-2-32; and

WHEREAS, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation (the “Order to Remedy the Dangerous Tree”) directing the owners to remove a dangerous tree from the exterior of the following properties in the Town of Kent:

35 Larchmont Road Tax Map No. 33.50-1-44
8 Teatown Court Tax Map No. 33.65-1-36; and

WHEREAS, the Order to Remedy requires each owner to correct the violations or respond to the Code Enforcement Office within ten days and, to date, the owners of the Properties have 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 violations on the Properties and received proposals in response copies of which are annexed hereto and incorporated by reference; and

WHEREAS, the Town Board wishes to accept the lowest proposals submitted on the properties as further outlined below:

69 Clubhouse Drive	\$3,000	Johnson’s Tree Service
32 Palmer Trail	\$ 300	FI Adams Inc.
35 Larchmont Road	\$1,500	Bill Henry Tree Service
8 Teatown Court	\$1,466	Johnson’s Tree Service;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the proposals of Johnson’s Tree Service, FI Adams Inc., and Bill Henry Tree Service, as described above for a total cost not to exceed \$6,266; 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 owner by the Town in accordance with Chapter 55A-12(B).
Motion carried unanimously

Resolution #303 - Authorize Supervisor to Execute Health Department Application

On a motion by Councilwoman Woolley
Seconded by Supervisor Fleming

WHEREAS, the Town Board has been advised of the need to update the water system in Town Hall in order to alleviate corrosion and make the water safe; and

WHEREAS, according to Cemco Water & Wastewater Specialists, Inc. the estimated cost of the necessary repairs is under \$6,000, and in order to make such repairs the Town must submit an application entitled “Application of Approval of Plans for Public Water Supply Improvement” (the “Application”) to the New York State Department of Health Bureau of Water Supply Protection; and

WHEREAS, the Town Board wishes to authorize the Town Supervisor to execute such application and take any and all necessary steps required by the New York State Health Department.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approves the execution of the Application by the Supervisor and the expenditure of up to \$6,000 to make the necessary repairs upon approval of the Application by the New York State Board of Health.
Motion carried unanimously

Resolution #304 - Approval of Vouchers & Claims

On a motion by Supervisor Fleming
Seconded by Councilwoman McGlasson

Resolved: All Vouchers #200147204 - #200147343 and claims submitted by:

1. Cemco Water	\$3,146.50	Water District #2
2. City Carting & Recycling	\$9,906.25	Lake Carmel Sanitation 7/31/18
	\$2,995.85	Lake Carmel Sanitation 8/4/18
	\$6,908.50	Lake Carmel Sanitation 8/11/18
3. Danbury Auto	\$3,248.76	Springs
4. ESI Group	\$3,500.00	EAP Services
5. Hogan & Rossi	\$5,416.63	August 2018 Legal Services
6. Office of the State Comptroller	\$35,856.	Fines for July
7. Peak Construction	\$5,000.00	Progress Payment: Recycling
8. Peckham Materials	\$17,365.48	Blacktop
9. ReCommunity Recycling	\$2,026.25	Lake Carmel Recycling
10. Software Consulting	\$1,750.00	Annual Tax Software
11. Windstream	\$3,860.	Telephone
12. NY Municipal Insurance	\$5,000	Deductible for Claim
13. NYS Dept of Employee Benefits	\$217,227.31	Health Insurance

In the amount of \$350,177.08 may be paid.
Motion carried unanimously

Public Comment

Richard O’Rourke of Keane & Beane the law firm representing John Clancy & Clancy Relocation & Logistics thanked the board, he hopes this will become a wonderful opportunity and tax benefit to the town. Howard Carpenter of the Kent Recycling looks forward to being a close neighbor and hopes to have a long relationship. He asked who will be maintaining the driveway for snowplowing, grass cutting etc. Supervisor replied Clancy.

Dorian D’Ausilla asked if Lake Tibet’s beaver project was authorized. Supervisor replied yes.

Curtiss Watkins asked if page 2 on the Access Agreement can be changed to read Kent Recycling rather than Town of Kent Recycling. Supervisor replied yes.

Resolution #305 - Adjournment

On a motion by Councilwoman McGlasson
Seconded by Councilwoman Woolley
Resolved: The Town Board meeting of August 14, 2018 adjourned at 8:28p.m.
Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli
Town Clerk

