

TOWN BOARD MEETING OF MAY 12, 2020

Resolution #171 - Adjourn to Executive Session

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The Town Board adjourned to executive session to discuss proposed, pending or current litigation and the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Motion carried unanimously

Resolution #172 - Adjourn Executive Session

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

Resolved: Executive Session adjourned at 7:08 no action was taken

Motion carried unanimously

The Town of Kent regularly scheduled meeting was held on Tuesday, May 2, 2020 at 7:00 p.m. via ZOOM. The meeting was televised live on the Town of Kent Cable Channels as well as live streamed on YOU Tube. The public was able to participate via Zoom, You Tube or by emailing comments to the Supervisor. Supervisor Fleming explained the town board decided to conduct meetings in this matter to keep the town moving until we get back to normal.

To see the full meeting visit the Town of Kent's website at www.townofkentny.gov under Video's on Demand.

Pledge of Allegiance

The meeting began with the Salute to the Flag.

Public Hearing

Resolution #173 - Open Public Hearing - Lake Carmel Fire Department Contract

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The Public Hearing on the Lake Carmel Fire Department Contract was opened.

Motion carried unanimously

Supervisor Fleming said before the board is a contract for the service of the Lake Carmel Fire Department. She said the board worked carefully with the fire department officials and their counsel and came up with a contract with an increase of only .76%. Having an all volunteer fire department is spectacular. She said the number was higher at the beginning of negotiations, but they figured out ways to save money. She said a third of the payment was authorized earlier in the year as they could not be unfunded. The total amount of the proposed contract is \$990,879 for 2020. Councilman Ruthven was in favor. Supervisor Fleming proposed moving this item forward she wants to hear comments but if favorable asked it be put up for a vote to fund the fire department. Councilman Huestis supports the Lake Carmel Fire Department, he said they do an excellent job, he thanked them, and their leadership is top shelf. There were no comments written or verbal from the public.

Resolution #174 - Close Public Hearing - Lake Carmel Fire Department Contract

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The Public Hearing on the Lake Carmel Fire Department Contract was closed.

Motion carried unanimously

Resolution #175 - Authorizing Contract with Lake Carmel Fire Department

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

WHEREAS, the Town of Kent desires to contract with the Lake Carmel Fire Department, Inc. (the "Department") for the provision of fire protection services to the Lake Carmel Fire Protection District No. 1 (the "District") during the 2020 Calendar Year, a full and complete copy of the aforementioned contract is annexed hereto (referred to herein as the "Contract"); and

WHEREAS, a duly noticed public hearing on the proposed Contract was held by the Town Board on May 12, 2020 at which all interested persons had a full and complete opportunity to be heard; and

WHEREAS, the Town Board wishes to approve the proposed Contract;

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NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves the terms of the proposed Contract between the Town and the Department for the provision of fire protection services to the District during the 2020 Calendar Years in the form annexed hereto; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to execute the proposed Contract in the form annexed hereto, or in substantially the same form as annexed hereto subject to approval of the Town Supervisor and the Town Attorney, and any and all other documents as may be necessary to give full effect to this Resolution.

BE IT FURTHER RESOLVED, that the Town Board hereby approves and ratifies any and all acts of the Town Supervisor and any other Town employees regarding the foregoing taken prior to the adoption hereof.

UPON ROLL CALL VOTE:

Councilman Denbaum: aye

Councilwoman McGlasson: aye

Councilman Huestis: aye

Councilman Ruthven: aye

Supervisor Fleming: aye

Motion carried unanimously

Public Hearing

Resolution #176 – Open Public Hearing on Local Law #2/2020 Foreclosure of Mortgages & Vacant Property Registry

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The Public Hearing on Local Law #2/2020 Vacant and Abandoned Homes was opened

Motion carried unanimously

Supervisor Fleming said this was originally opened on March 3, 2020, all board members weighed in on the problem of abandoned and vacant homes and properties. She said ProChamps has been contacted to facilitate a registration process which would allow the town to collect fees hopefully leading to some of these properties being maintained, improving the look and situation in the town and the residents who live nearby them effecting quality of life and property values. She said the board has to discuss the fees, she said Councilman Denbaum suggested a two tier fee system for this registration. She said if this passes we can add the registration fee by resolution at the next meeting. She said she has an issue with Section 68 – 16 which deals with Penalties. She has discussed this with Counsel as it references misdemeanors and what the failure to register would be considered and what the fine would be. She said there is nothing in the code section and clearly if it is going to reflect the fines and penalties under misdemeanors we don't need to put it in this as it will trigger what we have had in the past. If the penal law changes we have to redo the entire code section. Counsel Tagliafiero explained we will change it to be consistent with Criminal Penal Law. Councilman Huestis expressed concerns about the building inspector receiving enough staff help. He said the fees will help generate support on this, he said many have seen a number of these homes, it is very time consuming. He believes this will be a way to address the problem, he realizes it does not happen overnight. He hopes with ProChamp and Town Counsel this will be a better model then their examples. Councilwoman McGlasson thought it important for residents if they see a home of concern to reach out to the Building Inspector or town board. Councilman Huestis said he has worked with the Code Enforcement Officer and Building Inspector who really investigates every complaint, sometimes the answers are very different than anticipated. Supervisor Fleming said this code covers commercial properties as well. There were no comments written or verbal from the public.

Resolution #177 - Close Public Hearing

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The Public Hearing on the Local Law #2/2020 Foreclosure of Mortgages & Vacant Property Registry was closed.

Motion carried unanimously

Resolution #178 –Local Law #2/2020 Foreclosure of Mortgages & Vacant Property Registry

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

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WHEREAS, a local law to add a new Chapter to the Kent Town Code, Chapter 68, entitled "Foreclosure of Mortgages and Vacant Property Registration", was introduced as Introductory Local Law # 2 of the year 2020 on January 21, 2020; and

WHEREAS, the public hearing on said proposed amendment to the Town Code was opened on March 3, 2020 and continued to May 12, 2020, at which time the public was invited to attend and be heard on the matter;

NOW THEREFORE, BE IT RESOLVED, that Introductory Local Law # 2 of 2020 is hereby enacted by the Town Board 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:

Councilman Denbaum: aye, he commended Bill for his continued advocacy for this, visiting every road in Kent. He believes this will give them the teeth they need to get these abandoned homes turned around. It has been a long time coming, but Bill deserves a lot of credit getting this from nothing to now, something the town can work with to enforce and provide a better quality of life for all our residents. He thanked him.

Councilwoman McGlasson: aye

Councilman Huestis: aye, he relinquishes his title of the Zombie hunter to the Building Inspector as he will do a commendable job. He thanked his colleagues.

Councilman Ruthven: aye

Supervisor Fleming: aye, she thanked Bill for his tireless work on this and thanked Town Counsel Nancy Tagliaferro who actually found and recommended the company. If we can solve the problem and it brings revenue kudos all around.

Motion carried unanimously

Annual Stormwater Report

Bruce Barber the Stormwater Consultant presented the yearly report to let the board and residents know how the town fared in compliance with their permit regulations with the NYSDEC. The reporting period is from March 2019 to March 2020. The report is reflective of the tremendous team effort of Stormwater management; it is the work of almost all the departments in the town in some way shape or form. This report is set up in six components which are called minimum measures and he highlighted the quantitative data presented in the report that will post on line in its entirety.

MCM 1 204 means Minimum Control Measure 1, page 204 of that section. It has to do with vegetation, outreach, and #3 at top of page 204 outlines training of construction site operators where information has been displayed of the last reporting period. The number of presentations and events, visitations as well as materials it procures and documents newsletters that have been disseminated. There is a lot of opportunity for public education and outreach. There is a storm water management site on the web page, which has a tremendous amount of information. Links to various other information and there is a separate site for the Lake Associations, which also delves into storm water management. On that website it has everything from storm water management 101 and water sheds, septic system maintenance and construction reports from the various lakes conducted by Lake managers or the DEC. MCM 2 106 – Public Participation talks about opportunities and minimum control to have the public participate in storm water management activities. There was a cleanup that was conducted beautifully by the beautification committee. It did not occur this year for obvious reasons. In addition, public participation is also measured by the fact this report is made public this evening as well as on our website. This is an opportunity for residents to ask questions and be involved.

MCM 3 2of4 - Illicit discharge which has to do with discharges from pipe or conveying systems receiving waters that are not permitted under the DEC allowable instances. Basically in this reporting period we can see that there were four illicit discharges detected. They predominately have to do with septic system failures. All four were corrected during the period as required.

MCM 4 -5, 1 of 2 - When a project comes before the town every project is screened to determine if there is a storm water management component to be reviewed as though it be permanent. The town has very small permeable activity before you get permit pursuant to the DEP. Minimal amount of site disturbances can occur without obtaining a storm water permit. Pursuant to the DEP regulations it is 5,000 square ft. so there are quite a few of these storm water prevention plans. In this period there were seven storm water pollution prevention plans that were reported.

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MCM 4 -5, 2 of 2 – From Mr. Walters department this is enforcement. This is regarding people who did not follow their permit or in some instances did not obtain a permit and did work on their property.

MCM 4, 1 of 3 – When construction starts on site with an erosion control permit we are required and Bill Walters does a terrific job to inspect the sites and make sure they are compliant they install their erosion control in according to the plan. Every site has been inspected thru the years.

MCM 5, 1 of 3 – Post construction storm water management as the construction was complete. This is about damage control practices filter systems, infiltration basin, open channels and trenches, ponds and others. Highway, Recreation all of these departments chip in and do work on this.

MCM 6 - Good Housekeeping, all of our facilities need to be compliant with DEC regulations etc. They go thru an inspection process. The Highway department outlines how many parking lots are swept, Rich Othmer indicates 10 acres. 24 road miles have been swept and 912 catch basins have been inspected. Approximately 30% were cleaned. We do now apply phosphorous fertilizer, which is compliant with Town, County and State law. Nitrogen was applied sparingly in several applications.

He recognized all the tremendous work from the various departments that go into creating these numbers and the day-to-day work it takes to complete.

Councilman Ruthven asked why we wouldn't check off plantings when we did trees for Lake Carmel. Bruce replied that is in the growing season and he spoke to Brett Harrison and he was looking at the plantings. If they have percentage of viability, they will be going in next year's report.

Councilman Huestis asked about one or two trees around Lake Carmel may have some issues. Bruce said they will be looked at once the survival period is done; they have to wait to see if they're still alive thru the growing season.

Nancy Tagliafierro mentions MCM 4-5, 1 of 5 –we have a mechanism for receipt and public comment; you may have touched on this you have reported that no comments were received. I would like to clarify because I prepared a resolution setting up a public hearing on this, so that is not necessary, you should just be authorizing the Supervisor to sign this.

Supervisor Fleming thanked Bruce Barber for his work on this project and for creating the guidelines for the departments to follow.

Resolution #179 – Authorize Supervisor to Sign the Annual Stormwater Report

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

WHEREAS, the Town Board of the Town of Kent is in receipt of a MS4 Annual Report evaluating the Town's progress in implementing the MS4 program, which Annual Report is available on the Town Website for public review and comment, and

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Supervisor to sign such report and submit it to the State.

UPON ROLL CALL VOTE:

Councilman Denbaum: aye

Councilwoman McGlasson: aye

Councilman Huestis: aye

Councilman Ruthven: aye

Supervisor Fleming: aye

Motion carried unanimously

Resolution #180 - Approve Budget Transfers Fiscal Year 2019

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

WHEREAS, the Director of Finance has recommended certain budgetary amendments to the 2019 Budget in order to adjust appropriations in the Finance Department, the Lake Carmel Park District, and the Lake Carmel Sanitation Department, as set forth in the summary annexed hereto and incorporated herein by reference; and

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WHEREAS, the Director of Finance advises that the proposed transfers will have the fiscal impact as outlined on the annexed summary and the Town Board wishes to accept the recommendations of the Director of Finance;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the recommendations of the Director of Finance and authorizes the budget transfers as set forth on the annexed summary.

UPON ROLL CALL VOTE:

Councilman Denbaum: aye

Councilwoman McGlasson: aye

Councilman Huestis: aye

Councilman Ruthven: aye

Supervisor Fleming: aye

Motion carried unanimously

Resolution #181 - Advertise for Bids for Tub Grinder & Equipment Set Up for Landfill

Supervisor Fleming said an email was received from Highway Superintendent Othmer asking for a per day price for bidders for a tub grinder and the equipment to set up for this. He would like the contract to run from June 1, 2020 to May 31, 2021. He would also like to bid for an excavator with stump shear and a CBI Horizontal Grinder & Hitachi Excavator with operator. Councilman Huestis thought it is needed. There was no public comment. Councilman Ruthven asked if it is for two different excavators. Supervisor Fleming thought it was two different excavators based upon the email.

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

WHEREAS, the Highway Department is in need of an excavator with stump shear, a CBI Horizontal Grinder and a Hitachi Excavator with Operator, or equivalent equipment, for use at the Town Landfill;

WHEREAS, the Town Board of the Town of Kent wishes to authorize its Town Clerk, Yolanda D. Cappelli, to advertise for bids for an excavator with stump shear, a CBI Horizontal Grinder, and a Hitachi Excavator with Operator, or equivalent equipment, for use at the Town Landfill;

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 an excavator with stump shear, a CBI Horizontal Grinder, and a Hitachi Excavator with Operator, or equivalent equipment.

UPON ROLL CALL VOTE:

Councilman Denbaum: aye

Councilwoman McGlasson: aye

Councilman Huestis: aye

Councilman Ruthven: aye

Supervisor Fleming: aye

Motion carried unanimously

Accepting Proposal for Lake Treatment Services

Supervisor Fleming said in the past we have worked with LIFE Incorporated to provide Cutrine Ultra algaecide treatments for Lake Carmel when it was needed. Hopefully this year there will be no blooms. She said the board contracted with them in the past and if we did have a bloom the lake could be treated without waiting to come before the board. She said the supervisors speak with the Department of Health weekly and the Director has no idea if we will be allowed to open beaches, camps etc. She said if we have authorized the treatment it is not automatic, there is communication between them and the board. She said the cost is the same. Councilman Ruthven said this was discussed at the LCPD Advisory board meeting he asked about the bid threshold. Supervisor Fleming replied it was bid a few years ago. Town Counsel Tagliafierro said it is over the limit and can be bid annually it is a specialized service. Councilman Ruthven explained there are other companies, he thinks we need to be ready, but is also concerned about the cost. Town Counsel said three quotes are required. The board in agreement to requests three quotes for the next meeting. Councilman Huestis recalled that he was the lowest bidder. Councilman Ruthven suggested an alliance with the other lake communities to obtain better pricing. Supervisor Fleming thought it a good idea but knows some have some loyalty. She said there is a Lake meeting this weekend and she would ask.

Councilman Denbaum asked the Supervisor if at the next meeting she can pose the question to the PCHD how they will move forward and interpret the Governor's decision to open statewide certain outdoor recreational activities. Supervisor replied she would address that at her next call. There were no questions or comments from the public.

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Resolution #182 - Hire Seasonal Park Maintenance Helpers for Lake Carmel Park District

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

WHEREAS, the Town of Kent is seeking to fill vacant positions for Seasonal Park Maintenance Helpers for the Lake Carmel Park District ("LCPD"); and

WHEREAS, the Town has interviewed candidates for the positions and Joseph Ilacqua, and Sean Ferris have submitted resumes and demonstrated the proper qualifications to fill the positions;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Joseph Ilacqua and Sean Ferris, as Seasonal Park Maintenance Helpers for the LCPD at the hourly rate of \$11.80.

UPON ROLL CALL VOTE:

Councilman Denbaum: aye

Councilwoman McGlasson: aye

Councilman Huestis: aye

Councilman Ruthven: aye

Supervisor Fleming: aye

Motion carried unanimously

Resolution #183 - Authorizing Correction of Violation Acceptance of Proposal & Charge to Property Owner TM#44.7-1-15

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

WHEREAS, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation dated April 23, 2020 (the "Order to Remedy") directing the owner to remove rubbish from the exterior of the property identified as 179-183 Hill & Dale Road, Kent, New York, Tax Map No. 44.7-1-15 (the "Property"); and

WHEREAS, the Order to Remedy directs 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 or corrected the violations; 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 violation; 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 one proposal in response from FI Adams Inc. in the amount of \$800, a copy of said proposal is annexed hereto and incorporated by reference; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby accepts the bid of FI Adams Inc. for the correction of the violation at a cost not to exceed \$800; and

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).

UPON ROLL CALL VOTE:

Councilman Denbaum: aye

Councilwoman McGlasson: aye

Councilman Huestis: aye

Councilman Ruthven: aye

Supervisor Fleming: aye

Motion carried unanimously

Resolution #184 - Approving Agreement between Town of Kent & Prochamps

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Supervisor Fleming explained this is the agreement between ProChamps and the Town of Kent. They will be responsible for doing the registration, collecting the fees, locating the responsible parties.

On a motion by Councilman Ruthven

Seconded by Councilman Huestis

WHEREAS, in connection with Local Law No. 2 of the Year 2020 adding a new Chapter 68 to the Town Code entitled, “Foreclosure of Mortgages and Vacant Property Registration” the Town is in receipt of a certain agreement entitled the “Agreement Between Town of Kent, New York and Property Registration Champions, LLC” (the “Agreement”), whereby Property Registration Champions, LLC (“ProChamps”) shall provide services to register vacant, abandoned and foreclosed properties within the Town of Kent; and

WHEREAS, ProChamps fees for services rendered to the Town will be paid from the registration fees collected by ProChamps, at no cost to the Town; and

WHEREAS, the Town Board believes it to be in the best interests of the Town to enter into the Agreement with ProChamps;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves the Agreement; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes and directs the Town Supervisor to execute the Agreement in form annexed hereto, and any and all other documents in a form satisfactory to the Supervisor and, if requested, the Town Attorney, and to take any and all other necessary or appropriate actions to give effect to this resolution.

UPON A ROLL CALL VOTE:

Councilman Denbaum: aye

Councilwoman McGlasson: aye

Councilman Huestis: aye

Councilman Ruthven: aye

Supervisor Fleming: aye

Motion carried unanimously

FIREWORKS EXTRAVAGANZA

Supervisor Fleming received a call from Fireworks Extravaganza asking if we were really going to do this as most are cancelling. The board discussed the Governor’s timeline, having it on another day, possibly closer to the 4th of July or maybe having it on Community Day. Also discussed was the cost and asking for donations at a time like this unless we were only going to have a \$5,000 show. Supervisor Fleming said she would call them and it can be discussed at the May 19th meeting.

Resolution #185 - Approving Putnam Acquisition I, LLC & Putnam Acquisition II, LLC (Putnam Nursing Home & Rehabilitation Center) Stormwater Management Facilities Inspection & Maintenance Agreement

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

WHEREAS, as a condition of approvals by the Planning Board of the Town of Kent, Putnam Acquisition I, LLC and Putnam Acquisition II, LLC (collectively the “Owners”) have submitted an agreement entitled “Stormwater Management Facilities Inspection and Maintenance Agreement” (the “Agreement”), a copy of which is annexed hereto; and

WHEREAS, the Agreement requires the Owners to allow for periodic inspections by the Town of the stormwater management facilities serving the Putnam Ridge Nursing Home and Rehabilitation Center; and

WHEREAS, the Town Board recommends the approval of the Agreement;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves the Agreement; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes and directs the Town Supervisor to execute the Agreement in form annexed hereto, and any and all other

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documents in a form satisfactory to the Supervisor and, if requested, the Town Attorney, and to take any and all other necessary or appropriate actions to give effect to this resolution
UPON A ROLL CALL VOTE:

Councilman Denbaum: aye Councilwoman McGlasson: aye
Councilman Huestis: aye Councilman Ruthven: aye
Supervisor Fleming: aye
Motion carried unanimously

Authorizing Contract with ESI Group

This was held over until the board had time to look it over and discuss.

Resolution #186 - Approval of Vouchers and Claims

On a motion by Councilman Huestis
Seconded by Councilwoman McGlasson

All Vouchers #200154853 – 2001549936 and claims submitted by:

1. R Best in Backyards	\$4,098.00	Recreation Shed
2. City Carting	\$7,195.19	Lake Carmel Garbage
3. Hogan & Rossi	\$5,416.63	Legal Services: May
4. NYCOMCO	\$2,846.00	2 Way Radios: Police
5. Purchase Power	\$2,000.00	Postage
6. Lake Carmel Fire Department	\$587,922.00	2020 Contract

In the amount of \$677,847.16 can be paid.

The board took a poll vote as follows:

Councilman Denbaum - aye Councilwoman McGlasson – aye
Councilman Huestis - aye Councilman Ruthven - aye
Supervisor Fleming -aye

Resolution #187 - Adjournment

On a motion by Councilman Huestis
Seconded by Supervisor Fleming
Resolved: The Town Board meeting of May 12, 2020 adjourned at 8:47 p.m.
The board took a poll vote as follows:
Councilman Denbaum - aye Councilwoman McGlasson – aye
Councilman Huestis - aye Councilman Ruthven - aye
Supervisor Fleming -aye

Respectfully submitted:

Yolanda D. Cappelli
Town Clerk

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