

## TOWN BOARD MEETING SEPTEMBER 1, 2020

The Town of Kent regularly scheduled meeting was held on Tuesday, September 1, 2020 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.

Present: Supervisor Fleming, Councilman Denbaum, Councilwoman McGlasson, Councilman Huestis, Councilman Ruthven and Counsel Tagliagierro

Supervisor Fleming opened the meeting with the Pledge of Allegiance

### **Public Hearing**

Extension of Mining Moratorium

### **Resolution#282 Open Public Hearing**

On the motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: Public hearing on extension of mining moratorium be opened at 7:10 p.m.

Motion carried unanimously

Supervisor Fleming opened the public hearing stating that that on March 3<sup>rd</sup> the town board adopted Local Law #1 prohibiting mining in the Town of Kent for a six month period effective from the date of the local law. In the midst of a pandemic it was difficult to work on the mining legislation. This might take longer than six month but we were enthusiast thinking we could but clearly this was not the case. What we are proposing now is another local law extending the moratorium for another six months. Get the public's input and come up with a local law or a code change that addressing the mining in the Town of Kent to benefit our residents. We put this on for tonight because the moratorium expires on the 3<sup>rd</sup>. She thinks she speaks for the entire board that we are all in favor of extending the moratorium. Councilman Ruthven stated his only concern is that we are still in Covid. What is our plan over the next six months if we are still stuck in limbo? Councilwoman McGlasson stated that we can meet more in person than we could a few months ago. Councilman Huestis stated there is a task force to create, a committee, involve engineers and there are probably other communities that have similar legislation that we could replicate. Supervisor Fleming stated that when we can't have large gatherings the public can still contact us through email or regular mail. Councilman Ruthven stated that he volunteers to get a group together to start getting this ball rolling. He would like to see some progress. Supervisor Fleming stated that's great and he is the one who first presented to the board legislation from another town. Councilman Denbaum stated that the last time we had a Master Plan was 2008 and we are due for that. We could use this as a platform to get a new Master Plan going. He knows there are residents who would love to be involved. The Master Plan could address a lot of issues and we are due and there are a lot of issues that never got resolved from the last time. Councilman Huestis stated one problem is logging, lots of the roads out in western Kent can't take the weight. A master plan needs to be looked at every ten years, things change and we need to stay on top of it. We are working on the mining right now because that's a hot topic but our goal is to work on the master plan. Kathy Doherty asked Councilman Ruthven when he puts the task force together will the meetings be at the planning board? Councilman Ruthven stated it will be with the town board and we will use some of the consultants from the planning board. Mrs. Doherty asked how many more extensions can we get if we go past the six months. Counsel Tagliafierro stated one more. Walter Rechter stated he heard mention of a Master Plan and wonders how this fits into it. When was the last master plan done and how often should one be done? He would think that would be a priority on some level. The public at large sometimes wonders why some decisions are made because they don't see how it fits into a plan of some sort. Councilman Huestis stated he believes 2008 and he doesn't know the one before that. Every ten years we are supposed to look at and amending where there is an issue. The mining issue needs to be looked at sooner than later before the master plan.

### **Resolution#283 Close Public Hearing**

On the motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: Public hearing on extension of mining moratorium be closed.

Motion carried unanimously

### **Resolution#284 – Local Law #3/2020 - Extend Mining Moratorium**

On the motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

WHEREAS, a local law Extending A Temporary Land Use Moratorium Prohibiting Mining within the Town of Kent was introduced as Introductory Local Law #3 (the "Local Law") of the year 2020 before the Town Board of the Town of Kent on July 21, 2020; and

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WHEREAS, the Local Law determines that adoption of the local law constitutes a Type II action pursuant to the State Quality Environmental Review Act ("SEQRA") and therefore requires no further review under SEQRA;

WHEREAS, the public hearing was opened on September 1, 2020 and the public was invited to attend and be heard on the matter;

NOW THEREFORE, BE IT RESOLVED, that Introductory Local Law #3 of 2020 is hereby enacted by the Town Board of the Town of Kent as Local Law #3 of 2020 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.

Motion carried unanimously

**Resolution#285 Authorize Tree Work at Private Beach**

On the motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

Resolved: WHEREAS, there is a need for the removal of a damaged tree in the Lake Carmel Park District; and

WHEREAS, in accordance with the Town's Procurement Policy, the Town requested quotes for the tree removal, and received 3 written quotes in response, copies of such quotes and attached hereto and incorporated hereby; and

WHEREAS, Al's Logging, Inc. has submitted the lowest quote in the total amount of \$2,150; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the quote submitted by Al's Logging, Inc.;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves the removal of the damaged tree in the Lake Carmel Park District by Al's Logging, Inc. for a price not to exceed \$2,150.

Motion carried unanimously

**Resolution#286 Accept Fence Quote at Basketball Court**

On the motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

Resolved: WHEREAS, consistent with the Town's Procurement Policy, the Town requested quotes for installation of fencing around the basketball court in the Lake Carmel Park District; and

WHEREAS, the Town requested quotes from three companies and received one quote in response, a copy of which is attached hereto and incorporated by reference herein;

WHEREAS, the Town Board wishes to accept the quote and award the work to Duke Fence who submitted the sole, and therefore lowest, quote in the aggregate amount of \$7,380 for fencing around the basketball court in the Lake Carmel Park District;

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby authorizes Duke Fence to install the fencing around the basketball court in the Lake Carmel Park District for an amount not to exceed \$7,380; 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#287 Advertise for Bids on Community Center Fencing**

On the motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

Resolved: WHEREAS, the Town of Kent wishes to advertise for bids for fencing at the Lake Carmel Community Center; and

WHEREAS, the Town Board of the Town of Kent wishes to authorize its Town Clerk, Yolanda D. Cappelli, to advertise for bids for fencing for the Lake Carmel Community Center;

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 the Lake Carmel Community Center.

Motion carried unanimously

**Resolution#288 Accepting Appointment of New Member of Lake Carmel Fire Department**

On the motion by Councilman Denbaum

Seconded by Supervisor Fleming

Resolved: WHEREAS, the Lake Carmel Fire Department has recommended the acceptance of Travis Hunt as a new member of the Lake Carmel Fire Department; and

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

NOW, THEREFORE, BE IT RESOLVED, that Town Board of the Town of Kent hereby accepts and welcomes Travis Hunt as a member of the Lake Carmel Fire Department.

Motion carried unanimously

**Resolution#289 Authorize Purchase of Recycling Truck \*\*AMENDED BY RESOLUTION #290**

On the motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

Resolved: WHEREAS, the Town Board of the Town of Kent has received a request from the Town Municipal Repairs Service Manager, Nicholas Mancuso, and the Recycling Center to purchase a 2020 HINO M5 195-20 GVWR for the Recycling Center (hereinafter, the "Vehicle"); and

WHEREAS, the Town Board has been provided with a proposal for the Vehicle, in the amount of \$49,819.39 pursuant to Onondaga County Contract # ONGOV-106-19; and

WHEREAS, Section 103(16) of the General Municipal Law exempts from competitive bidding purchase contracts for apparatus, materials, equipment and supplies, through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district; and

WHEREAS, in accordance with the Town's Procurement Policy and the General Municipal Law, the Town Board wishes to authorize the Recycling Center to purchase the Vehicle consistent with the above referenced proposal;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes and approves the purchase of the Vehicle pursuant to Onondaga County Contract # ONGOV-106-19 for a cost not to exceed \$49,819.39.

***\*\*MUNICIPAL REPAIRS MANAGER NICHOLAS MANCUSO IS AUTHORIZED TO SCRAP OR SELL THE EXISTING MITSUBISHI RECYCLING TRUCK.***

Motion carried unanimously

**Resolution#290 Amend Resolution#289 of 2020**

On the motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

Resolved: Amend resolution #289 of 2020 to add that Municipal Repairs Manager Nicholas Mancuso is authorized to scrap or sell the existing Mitsubishi recycling truck.

Motion carried unanimously

**Resolution#291 Authorize Purchase of New Truck for Municipal Repairs**

On the motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

Resolved: WHEREAS, the Town Board of the Town of Kent has received a request from the Municipal Repairs Service Manager, Nicholas Mancuso, and the Highway Department to sell Truck 12, a 2005 Dodge 3500 VIN 3D7KS26D25G858491, and to purchase a 2020 RAM D28L62 to replace Truck 12 (hereinafter, the "Replacement Vehicle"); and

WHEREAS, the Town Board has been provided with a proposal for the Replacement Vehicle, in the amount of \$65,118.80 pursuant to Onondaga County Contract # ONGOV-106-19; and

WHEREAS, Section 103(16) of the General Municipal Law exempts from competitive bidding purchase contracts for apparatus, materials, equipment and supplies, through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district; and

WHEREAS, the Town Board wishes to authorize Municipal Repairs to use the services of Auctions International Inc., to offer Truck 12 for sale to third parties or, if there are no purchasers, to scrap the Truck 12 in exchange for its metal value; and

WHEREAS, in accordance with the Town's Procurement Policy and the General Municipal Law, the Town Board wishes to authorize Municipal Repairs to purchase the Replacement Vehicle consistent with the above referenced proposal;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes and approves the purchase of the Vehicle pursuant to Onondaga County Contract # ONGOV-106-19 for a cost not to exceed \$65,118.80; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent, authorizes the Town of Kent Municipal Repairs to offer Truck 12 for sale through Auctions International, Inc.; and

BE IT FURTHER RESOLVED, that if the offer of sale through Auctions International results in no sale of Truck 12, Municipal Repairs is authorized to scrap Truck 12 for its metal value; 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

**Assessor – Image Mate System Software**

This item was tabled.

**Resolution#292 Accept Tree Work Bid for 30 Emerson Road TM#22.80-1-34**

On the motion by Councilman Denbaum

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Seconded by Councilman Ruthven

Resolved: Accept Larry Reynold's Tree Service bid in the amount of \$1,500 for tree work at 30 Emerson Road TM#22.80-1-34, but hold off to allow Mr. Mapelli to correct violation on his property. Must provide a signed contract to the Supervisor's office by Friday, September 4, 2020. Tree Removal to occur within two weeks.

Motion carried unanimously

**Resolution#293 Authorizing Correction of Violations, Acceptance of Proposal and Charge to Property Owners**

On the motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

Resolved: 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 removal rubbish, excess weed, grass and brush growth from the following properties:

5 Ridgeway Road	Tax Map 33.27-2-38;
240 Route 52	Tax Map 44.5-2-28
94 Barrett Hill Road	Tax Map 22.79-1-47
15 Chatham Road	Tax Map 22.66-2-10
30 Princeton Road	Tax Map 22.66-1-52
72 Harvard Drive	Tax Map 22.66-2-37
11 Jessup Court	Tax Map 33.24-1-25
122-126 Route 311	Tax Map 22.-2-15

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 one proposal in response, copies of which are annexed hereto and incorporated by reference; and

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

5 Ridgeway Road	\$ 150	JB Affordable Lawn Care Inc.
240 Route 52	\$ 225	JB Affordable Lawn Care Inc.
94 Barrett Hill Road	\$ 150	JB Affordable Lawn Care Inc.
15 Chatham Road	\$ 200	JB Affordable Lawn Care Inc.
30 Princeton Road	\$ 225	JB Affordable Lawn Care Inc.
72 Harvard Drive	\$ 225	JB Affordable Lawn Care Inc.
11 Jessup Court	\$ 200	JB Affordable Lawn Care Inc.
122 Route 311	\$ 250	JB Affordable Lawn Care Inc.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the proposals of JB Affordable Lawn Care Inc., as described above for a total cost not to exceed \$1,625,; 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 owners by the Town in accordance with Chapter 55A-12 (B).

Motion carried unanimously

**Resolution#294 Authorize Release of Erosion Control Bond – Bourgeois - TM#33.58-1-9**

On the motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

Resolved: WHEREAS, the owner of a parcel of land at 100 Lakeshore Drive, Kent, New York, identified as Tax Map No. 33.58-1-9 (the "Lot") posted a bond for erosion control with the Town of Kent and has submitted a request to the Planning Board that the remaining funds of the erosion control bond in the amount of \$500 be released to the Owner; and

WHEREAS, the Planning Board, at their meeting held on August 13, 2020, adopted Resolution #7 recommending the release of (i) the balance of the erosion control bond in the amount of \$500, and (ii)

the remaining escrow fees in the amount of \$896.38; and the Town Board of the Town of Kent wishes to follow the recommendation of the Planning Board;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the release of the erosion control bond in the amount of \$500 and the release of the remaining escrow fees in the amount of \$896.38.

Motion carried unanimously

**Resolution#295 Adopt the Retention and Disposition Schedule for New York Local Government Records**

On the motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

Resolved: WHEREAS, pursuant to Article 57-A of the Arts and Cultural Affairs Law, the Commissioner of Education, in consultation with local governments, is authorized to adopt records retention and disposition schedules establishing the minimum legal retention periods for local government records; and

WHEREAS, on or about August 1, 2020, a new schedule entitled, *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, was adopted for local governments; and

WHEREAS, the Town Board of the town of Kent wishes to adopt the *Retention and Disposition Schedule for New York Local Government Records (LGS-1)* pursuant to Article 57-A of the Arts and Cultural Affairs Law, which schedule contains the minimum retention periods for local government records, for use by all Town officers in legally disposing of valueless records as are listed therein.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby adopts the *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*; and

BE IT FURTHER RESOLVED, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in the *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, after they have met the minimum retention periods described there; and

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

Motion carried unanimously

**Resolution#296 Appoint New Member to Kent CAC**

On the motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

Resolved: WHEREAS, the Town of Kent Conservation Advisory Committee currently has a vacancy, and Pamela Wadler has submitted an application seeking to fill said vacancy; and

WHEREAS, the Town Board of the Town of Kent wishes to appoint Pamela Wadler to fill the vacancy on the Conservation Advisory Committee;

NOW, THEREFORE, BE IT RESOLVED, that Pamela Wadler be immediately appointed to fill the unexpired term of Ed Illiano, which term ends December 31, 2020.

Motion carried unanimously

**Resolution#297 Appoint Lake Carmel Sanitation Crew Chief**

On the motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: WHEREAS, the Town of Kent Lake Carmel Sanitation District currently has a vacancy in the position of Crew Chief, and Richard Rivera has submitted an application to fill said vacancy; and;

WHEREAS, Richard Rivera has achieved the necessary qualifications, and the Town Board of the Town of Kent wishes to appoint Richard Rivera as Lake Carmel Sanitation Crew Chief;

NOW, THEREFORE, BE IT RESOLVED, that Richard Rivera is hereby appointed to fill the position as Lake Carmel Sanitation Crew Chief, effective September 2, 2020.

Motion carried unanimously

**Resolution#298 Recreation Director Salary Increase**

On the motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

Resolved: Recreation Director salary increase to \$67,000 and retroactive to date appointed as Director.  
Roll Call

Councilman Denbaum: nay, stated he is not against this in theory but thinks it is just bad timing.

Currently the recreation department is running a skeleton schedule. To him it is more what the recreation department wants to do versus what it can do. He thinks raising the salary of the Recreation Director in a time when tons of our residents are still feeling the economic burn and struggling themselves while we are completely cutting back on the programs. It is nothing personal it is the idea that we would be offering such an increase to a government employee at a time at economic recession

while the services the department is providing to the residents is very very minimal compared to the services they are used to. The residents aren't getting services and aren't getting a tax refund and he can't imagine having all that happen and giving the employee a raise. He is comfortable going back and doing soccer and everything but once the department head is comfortable using the recreation department to full capacity he would reconsider bringing his salary up.

Councilwoman McGlasson: yay

Councilman Huestis: yay

Councilman Ruthven: yay, stated that we in good faith appointed him as interim, he acted as interim and then we made him full and now we are bringing him up to the salary. He had it difficult trying to come up with ideas to deal with recreation. He is now giving reports and doing the best he can. He does not feel the same about pushing opening.

Supervisor Fleming: yay, stated sports program were cut and children do not have a lot of opportunities and he was creative to come up with other ideas. There have been hikes and online programs, on line Zumba and Trivia night, the soccer issue came to the board and was a hard choice. Jared has done a lot of things, improving the pump track, making the trails, he has come up with a lot of ideas.

Motion carried.

**Resolution#299 Approval of Vouchers and Claims**

On the motion by Councilman Huestis

Seconded by Councilwoman McGlasson

Resolved: Vouchers #200156134 -#200156241 in the amount of \$105,675.78 be approved for payment.

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1. Carmel Central School District	\$3,460.00	Gym Rentals
2. City Carting	\$7,094.17	Lake Carmel Garbage
3. Lake Carmel Fire Department	\$16,544.00	Partial Payment for Contract
4. PKF O'Connor Davies	\$9,175.00	Auditor
5. Purchase Power	\$2,000.00	Postage
6. State Comptroller	\$12,880.00	Justice Court: Fines & Fees

Motion carried unanimously

**Announcements**

**Public Comment**

Councilman Denbaum stated the Carmel Central School District is delaying their in person learning. His kids go to St. James but if his kids went to the Kent Elementary school and he paid \$10,000 in taxes and my neighbors in Putnam Valley who live a couple miles away are sending their kids to elementary school every day of the week and my kids were home a) jeopardizing the education and the health of my kids just from being home all day and also making it harder to keep a job during this time I would be furious. There is no real reason the Carmel Central School District gave for the two week delay. There has been no health crisis, there has been no bump and we have not shut down everything. There is no reason other than an absolute lack of planning and lack of preparation to get things moving on time. Everyone likes to say health and safety and we have a moral obligation to make sure. What gets missed is the moral obligation to kids with special needs who are in our district who will be suffering for another two to three weeks if not longer without services. The moral obligation to all of our kids to get back into the classroom and learn safely. And the idea that Carmel Central School District cannot do it but neighboring school districts literal the town next door can. It isn't a health issue or a safety issue it's an incompetent issue. In the Putnam County Times from last month Carmel Central School District was going back and forth about their transportation building and were debating whether they should have an SRO in the school district and who should pay for them. The school district raises our taxes millions of dollars every year and is literally complaining about a couple of thousands of dollars in sheriff cost to protect our kids. Five weeks before they are supposed to have the kids go back to school and we find out a week ago oh we aren't ready to have the kids back to school. They are doing all the little pet projects, wasting all of our tax dollars at the expense of our children. He wishes he was able to set it up, he would invite anyone for the Carmel school board or the administration to come in and let the residents know why it is that Putnam Valley can go back with their elementary kids and kids with special needs in Putnam Valley and get their services but not the case in Carmel. They will do what is in their interest, what they want to do and not what is best for the kids.

**Resolution#300 Adjourn Town Board Meeting**

On the motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: Town Board meeting adjourned at 9:05 p.m.

Motion carried unanimously

Respectfully Submitted:

Lauren Louderback  
Deputy Town Clerk