

**TOWN OF KENT
TOWN BOARD MEETING
Tuesday, May 18, 2021**

Workshop/Meeting: 7:00 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Discussion and/or Vote on the following:
 - a. Annual Stormwater Report
 - b. Marijuana Regulation & Taxation Act
 - c. Lake Carmel Parks District – Beach 7 Fencing repairs
 - d. Finance Department – contract for financial advisory services
 - e. Sanitation – authorize the sale or scrapping of Sanitation truck #22
 - f. Planning Department – escrow return for TM# 33.48-1-6, Authorize Supervisor to sign transfer form for Stormwater Easement and acceptance of bonds for TM#12.- 1-38 & 42
 - g. Kent Police Department – new hire
 - h. Approval of Vouchers and Claims
4. Announcements
5. Public Comment

A regular Town Board Meeting was held on Tuesday, May 18, 2021 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 under Video's on Demand.

Pledge of Allegiance

Supervisor Fleming called the meeting to order with the Salute to the Flag at 7:05 p.m.

Roll Call

Supervisor Fleming – present
 Councilman Denbaum – present
 Councilwoman McGlasson – present
 Councilman Huestis – present
 Councilman Ruthven – present

Also present: Town Clerk Cappelli, Town Counsel Tagliafierro, Chief Owens, Recycling Co-Chair Kotzur, Co-Chair Ulich of the Lake Carmel Park District Advisory Board, and Stormwater & Environmental Consultant Bruce Barber.

Annual Stormwater Report

Stormwater Consultant, Bruce Barber explained in order to be compliant with our Stormwater permit granted in 2003 this is an annual event. Stormwater is in essence run off, snow, rain, ice melting and as it runs off it collects certain pollutants with it. It is regulated by the State to try to reduce the pollutant loading in stormwater. There are 6 minimum measures the Town must comply with in order to be up to date with it's permit. The 6 measures are 1. Public Education and Outreach 2. Public Involvement/Participation 3. Illicit Discharge Detection and Elimination 4. Construction Site Inspection 5. Post-Construction Control 6. Stormwater Management for Municipal Operation. He said this report is reflective of the amazing work that is the stormwater team in the Town of Kent, the board, the clerk, highway department, building and planning board, the Lake Carmel Park District the town consultants, grant writers etc. He went over each minimum measure and said the report will be sent to DEC no later than June 1st. He explained due to Covid things were different that reduced some of the participation. There were 210 attendees at various town board and planning board meetings. There were 3 seminars presented through the Lake Association one on geese management, lake buffer plantings and one on invasive aquatic species removal. They were broadcast on Zoom and can be viewed on the Town's website. In June an additional broadcast will be held on septic system maintenance. He said there was one illicit discharge of septic system origin reported to the health department and eliminated. He said 150 outfalls, pipes that discharge into water bodies were inspected. He said 6 stormwater pollution prevention control plans were reviewed, one notice of violation issued, one stop work order and one enforcement action taken during the year. Three constructions sites were over one acre of land disturbance, 8 construction sites were inspected for erosion sediment control practices and all the sites were inspected at least once and many more than once. There were 4 filter systems maintained during minimum measure 5. One infiltration basin maintained and 50 miles of channels were maintained, 6 wet ponds and 8 other retention basins predominately around Lake Carmel. He said one was problematic and thanked Councilman Ruthven for obtaining the grant to refurbish Cottage and Lakeshore Drive, that was a difficult long process but is now up and running. He said 15 acres of parking lots were swept, 512 road miles were swept, 500 catch basins inspected, and no phosphorus fertilizer was used on town owned property. He said there were many Zoom meetings. Councilman Huestis asked if the retention ponds are working properly and was concerned about Terry Hill Cove. Bruce replied all the storm water basins constructed are required to be inspected, he said the majority have been constructed through East of Hudson and a detailed report is sent to them. Three entities maintain the basins, Parks & Recreation, Highway Department and the Lake Carmel Park District. He explained they are maintained by means of DEC setup. He said in regards to the Terry Hill Cove what has been identified in prior studies for Lake Carmel as the greatest source of pollutant loading is stream bank erosion and septic being number two. He said the sediment itself is a pollutant and carries phosphorus. He said he is looking for stream bank stabilization grants, the problem being some stream banks are public and others private. There were no further comments or questions.

Marihuana Regulation & Taxation Act

Supervisor Fleming said in March the State and Assembly passed the Act which makes it legal in NYS. Part of the legislation directly applies to towns, villages and county. The law makes it legal to open a dispensary unless that town, village or city opts out. A local law to opt out would have to be passed by December 31, 2021. She said it is on tonight's agenda for a preliminary discussion. There are three sections of the law with the agenda, the first talks about the opt-out provision, if we do not opt-out we can control where dispensaries are located and times of operation. The other two sections that impact the town directly are the tax benefits. If allowed there is a 4% tax on the product sold that gets

forwarded to the County. The town, city or village then receives 75% of the 4%. Town Counsel added if it is decided to opt-out you must adopt a local law which is subject to a permissive referendum. You have to opt-out by December 31, 2021 but can always opt-in by repealing the local law. She explained a permissive referendum is a petition with 5% of the number of people who voted in the last gubernatorial election, the proposition is put up for a general vote. Supervisor Fleming suggested a survey monkey to obtain more public input than what is obtained at general meetings. The board discussed the tax incentive, looking at states that have passed legislation regarding legalizing marijuana, medicinal marijuana and the additional burden on police departments. The board decided that that this item would be on the agenda June 1st for public discussion.

Resolution #193 - Accepting Quote for Fencing Lake Carmel Beach 7

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

WHEREAS, consistent with the Town's Procurement Policy, the Lake Carmel Park District sought quotes for the installation of fencing at Beach 7 of the Lake Carmel Park District; and

WHEREAS, quotes were requested from three companies and three companies submitted quotes in response, copies of which are attached hereto and incorporated by reference herein;

WHEREAS, Duke Fence submitted the lowest quote in the amount of \$4,590;

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby accepts the quote of Duke Fence to install the fencing at Beach 7 of the Lake Carmel Park District, as further described in the quote, for an amount not to exceed \$4,590; 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 #194 - Approving Financial Advisory Services Agreement

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

WHEREAS, the Town Board of the Town of Kent is in receipt of a proposal from Capital Markets Advisors, LLC (CMA) to provide Financial Advisory Services in connection with bond, note and lease financings (the "Proposal"); and

WHEREAS, contracts for professional services are exempt from competitive bidding requirements as well as from the Town's Procurement Policy; and

WHEREAS, the Town Board recommends the acceptance of the Proposal;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the Proposal of CMA; and

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

Resolution #195 - Authorization to Offer Vehicles for Sale – Sanitation Department

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

WHEREAS, by letter dated May 12, 2021, the Town of Kent Municipal Repair Service Manager has advised that Sanitation Truck 22 (the "Vehicle"), as more particularly described in the letter attached hereto and incorporated herein by reference, has reached the end of its service life and has requested that the Vehicle be offered for sale at auction; and

WHEREAS, the Town Board wishes to authorize Municipal Repairs to offer the Vehicle for sale to third parties at auction, or if there are no purchasers, to scrap the Vehicle in exchange for its scrap metal value;

TOWN BOARD MEETING OF MAY 18, 2021

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent authorizes the Town of Kent Municipal Repair Service Manager to offer the Vehicle identified hereinabove for sale to third parties at auction; and

BE IT FURTHER RESOLVED, that if the offer of sale for auction results in no sale of the Vehicles, the Town of Municipal Repair Service Manager is authorized to sell the Vehicle for its scrap metal value.
Motion carried unanimously

Resolution #196 - Authorizing Release of Remaining Escrow Account TM#33.48-1-6

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

Councilman Denbaum recused himself and left the meeting room.

WHEREAS, the owner of a parcel of land at 531 Route 52, Kent, New York, identified as Tax Map No. 33.48-1-6 (the "Lot") has submitted a request to the Planning Board that the remaining escrow fees in the amount of \$441.25 be released to the Owner; and

WHEREAS, the Planning Board, at their meeting held on May 13, 2021, adopted Resolution #7 recommending the release of the remaining escrow fees in the amount of \$441.25; 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 remaining escrow fees in the amount of \$441.25 to the Owner.
Motion carried unanimously

Resolution #197 - Accepting Erosion Control Surety Bond & Escrow for Inspection Fee TM#12.-1-38 & 42

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

Councilman Denbaum recused himself and left the meeting room.

WHEREAS, the Planning Board, by Resolution #8 of the Year 2021, dated May 11, 2021, has recommended that the Town Board accept: (i) a Performance Bond for Long Term Stormwater Management Facility/Surety Bond in the amount of \$78,800; (ii) an Erosion Control Bond/Surety Bond in the amount of \$9,183; (iii) a Performance Bond for Wetlands Permit/Landscaping/Surety Bond in the amount of \$9,750; (iv) a Performance Bond for Site Erosion Control Landscaping/Surety Bond in the amount of \$7,355; (v) inspection fees in the amount of \$1,000 and (vi) a Performance Bond for Timber Harvest Permit in the amount of \$2,000 from the owner of the property located at N. Horsepound Road and Peckslip Road, identified as Tax Map No. 12.-1-38 and 42; and

WHEREAS, the Planning Board has requested that the Town Board authorize the Town Supervisor to sign a TP 584 in connection with the above referenced owner's conveyance of a Stormwater Easement to the Town; 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 the above referenced bonds and inspection fee and authorizes the Town Supervisor to execute the TP 584 in substantially the same form as annexed hereto and made a part hereof.
Motion carried unanimously

Resolution #198 - Approving Hiring of Police Office

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

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

WHEREAS, Chief Owens has recommended the appointment of Luis J. Rodriguez to fill the vacant position effective June 7, 2021; and

Tamara Harrison

From: Duke Fence <jdukefence@gmail.com>
Sent: Sunday, May 16, 2021 9:09 AM
To: Tamara Harrison
Subject: Beach 7 Fence estimate

TOWN OF KENT NOTICE

THIS EMAIL IS FROM AN EXTERNAL SENDER!

DO NOT click links, DO NOT open attachments, DO NOT forward if you were not expecting this email or if it seems suspicious in any way! REMEMBER: NEVER provide your user ID or password to anyone for any reason!

**DUKE FENCE
P.O. BOX 363
STORMVILLE, NY 12582
(845)878-1064
PC 2695A**

**Town of Kent
Parks Dept.
25 Sybil's Crossing
Kent, NY. 10512
Fax 845 225 9464**

FENCE ESTIMATE MAY 15, 2021

Beach 7 :

From road to waters edge, remove existing old fence and install aprox. 100ft. of all new 5ft. high black chain link fence to match existing road front fence.

All piping, wire and hardware to be black. All posts set in concrete footings.

2 1/2" end & corner posts.

2" line posts.

1 5/8" top rail

5ft. high heavy grade 6 gauge black chain link fabric.

Cost installed with materials and labor \$4,340.00.

Price does not include the hauling away of old fence.



www.campanellafence.com

289 Route 6 Mahopac NY 10541

tony@campanellafence.com

845-628-2200 phone | 845-628-5649 fax

Westchester 4145-H91 Yonkers 4418 Putnam 135 Connecticut 581036 Rockland H11709-12-00-00

Date: 5-16-21
Customer: Lake Carmel Parks Dept
Contact: Frank Sabatini
Job Site: Lake Shore Drive West

Project Manager: Tony Campanella
E-mail: lcpcclerk@townofkentny.gov
Phone: [REDACTED]
Phone: [REDACTED]
Other: [REDACTED]
Fax: [REDACTED]
Other Email: [REDACTED]

Town: Carmel

State: NY

Zip: 10512

Billing Address:



☐ Stepped



☒ Follow Ground



☐ Straight Top

- 1) Supply and install approximately 86 Lf. of chain link fence.
Fence to be 5 ft. high - ALL BLACK.
Wire to be 6 gauge x 2 inch.
2 1/2 inch terminals SS20
2 inch line posts SS20
1 5/8 inch top rail SS20
Coil wire to be 6 gauge.
Beveled bands.

Includes removal of old fence.

Note- existing concrete post bases may remain and be buried.

PREVAILING WAGE RATE/ NON UNION

Prices are only valid for 5 days due to volatility of the market

Date of Acceptance: _____

Customer Signature: _____

50% Deposit Required

Authorized Signature (CF): _____

Sub Total: \$6,686.00

Exempt 0.000% \$0.00

Total: \$6,686.00

Deposit Received:

Balance Due Upon Completion

Purchaser has an unconditional right to cancel this contract until midnight of the third business day after the contract was signed. Cancellation must be done in writing.

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby appoints Luis J. Rodriguez as Police Officer in the Town of Kent Police Department, effective June 7, 2021; and it is

FURTHER RESOLVED, that the appointment of Luis J. Rodriguez be contingent upon the passing of any further civil service requirements.
Motion carried unanimously

Resolution #199 - Authorization to Sign and Submit the Annual MS4 Report

On a motion by Supervisor Fleming
Seconded by Councilman Ruthven
Resolved: The Supervisor is authorized to sign and submit the MS4 Annual Report for 2020 as presented by Stormwater Consultant Bruce Barber.
Motion carried unanimously

Resolution #200 - Add to the Agenda

On a motion by Councilman Ruthven
Seconded by Councilman Denbaum
Resolved: Temporary seasonal employee for Lake Carmel Park District was added to the agenda.
Motion carried unanimously

Resolution #201 - Hire Temporary Seasonal Employee for the Lake Carmel Park District

On a motion by Councilman Ruthven
Seconded by Councilwoman McGlasson
Resolved: The Supervisor is authorized to hire a temporary seasonal laborer for the Lake Carmel Park District not to exceed the laborer rate of pay effective until the full time employee returns to work.
Motion carried unanimously

Resolution #202 - Approval of Vouchers & Claims

On a motion by Councilman Huestis
Seconded by Councilman Ruthven
Resolved: All Vouchers and claims submitted by:

1. Cemco	\$4,516.54	Water District #2
	\$2,695.70	Water District #1
2. ESI	\$3,675.00	EAP Renewal
3. Fireworks Extravaganza	\$5,000.00	Fireworks Deposit
4. Global Montello Group	\$3,989.80	Fuel
5. Insite Engineering	\$2,606.00	Ryan's Park Bidding
	\$12,544.10	Bridges NY Grant
6. Magna5	\$3,901.60	Telephone Service
7. NYCOMCO	\$2,846.00	2 Way Radios: Police
8. NYS Dept. of Civil Service	\$212,023.28	Health Insurance
9. Purchase Power	\$2,000.00	Postage
10. Spain Agency	\$70,276.78	Insurance Installment
11. Town of Kent Municipal Repairs	\$25,914.38	Chargebacks: Highway

may be paid.
Motion carried unanimously

Announcements

- Carmel Central School District vote is today, polls are open until 9:00 p.m.
- Memorial Day service at Terry Hill is Sunday, May 30, 2021 at 9:30 a.m.
- June 26 is the Fireworks and Backyard Olympics
- June 26 is the Lake Carmel Park District Pan Fish Derby for Park District residents.
- May 19 the NYS and Federal Guidelines will no longer need masks if vaccinated.

Public Comment

Sue Kotzur asked the status of the mining legislation. Councilman Ruthven replied they have applied for a grant to cover the costs of the town's consultants. The response will be June 10 whether we received 50% or not. He said either way the board will make a move one way or the other.

Resolution #203 - Adjourn to Executive Session

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: The Board adjourned to Executive Session at 8:30 p.m. to discuss pending litigation and personnel.

Motion carried unanimously

Resolution # 204 - Adjournment

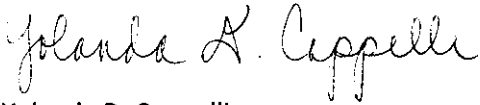
On a motion by Councilman Denbaum

Seconded by Councilman Ruthven

Resolved: The Town Board meeting adjourned at 9:10 p.m.

Motion carried unanimously

Respectfully submitted,

A handwritten signature in cursive script that reads "Yolanda D. Cappelli".

Yolanda D. Cappelli

Town Clerk