

TOWN BOARD MEETING JULY 6, 2021

A regular Town Board Meeting was held on Tuesday, July 6, 2021 at 6:00 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.

Resolution #231 - Adjourn to Executive Session

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: At 6:11 p.m. 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 #232 - Adjourn Executive Session

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: Executive Session adjourned at 7:07 pm. No action was taken.

Motion carried unanimously

Pledge of Allegiance

Supervisor Fleming called the meeting to order with the Salute to the Flag.

Resolution #233- Open Public Hearing – Marihuana Regulation & Taxation Act

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The Public Hearing on the Marihuana Regulation & Taxation Act was opened.

Motion carried unanimously

Public Hearing – Marihuana Regulation & Taxation Act

Supervisor Fleming explained at the last public hearing individuals spoke out in favor of the town opting out. She said the volume of comments that she expected has not been received, those received supported opting out. She read that North Salem opted out for the same reasons and asked if anyone from the public or board wanted to be heard. There were no further comments.

Resolution #234 -Close the Public Hearing

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The Public Hearing on Marihuana Regulation & Taxation Act was adjourned.

Motion carried unanimously

RESOLUTION #235 - RESOLUTION ADOPTING LOCAL LAW #2-2021

INTRODUCED BY: Councilwoman McGlasson

SECONDED BY: Councilman Ruthven

WHEREAS, a local law Opting Out of Adult Use Cannabis Retail Dispensaries and On-Site Consumption Sites was introduced as Introductory Local Law # 2 (the "Local Law") of the year 2021 before the Town Board of the Town of Kent on May 25, 2021; and

WHEREAS, the public hearing was opened on June 15, 2021 and the public was invited to attend and be heard on the matter;

NOW THEREFORE, BE IT RESOLVED, that Introductory Local Law #2 of 2021 is hereby enacted by the Town Board of the Town of Kent as Local Law #2 of 2021 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

TOWN OF KENT
COUNTY OF PUTNAM

LOCAL LAW NO2

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OPTING OUT OF ADULT USE CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES

BE IT ENACTED by the Town Board of the Town of Kent, Putnam County, New York, as follows:

Section 1. Legislative Intent

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Kent that would otherwise be allowed under Cannabis Law Article 4.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes the town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

Section 3. Local Opt-Out

The Town Board of the Town of Kent hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the town's jurisdiction.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Permissive Referendum/Referendum on Petition

This local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

Resolution #236- Open Public Hearing – Lake Carmel Park District Town Code Changes

On a motion by Supervisor Fleming

Seconded by Councilman Ruthven

Resolved: The Public Hearing on the Lake Carmel Park District Town Code changes was opened.

Motion carried unanimously

Public Hearing Lake Carmel Park District Town Code Changes

Supervisor Fleming explained there was prior discussion on the changes that the board and the Lake Carmel Park District Advisory Board could endorse as well as residents of the district. Chairman Walter Recher thought the only significant change they have a challenge with is the one referencing that Park residents shall not attach any rope, cable or other contrivance to any tree, shrub or other plant. He said as a practical matter there are few options for residents to attach their boats to if it's not large trees which they have been doing for many years. He thinks that would be problematic but maybe an alternative like a structure or stanchion for people to attach their boats to. He said over the course of decades having a chain to a tree brought it to its end. He asked it be reconsidered. Supervisor Fleming said if you state you can attach your boat to any tree, shrub or other plant you can't say you can't do it to that little tree. She would like to keep it as is. Councilman Ruthven agrees an alternative should be considered he has seen a stanchion on DEC property in Valhalla and have some made for Lake Gleneida which haven't been put in yet specifically to save the buffer. He said this rule has been in effect for ever but has not been enforced. Walter Recher explained his experience is that well over half if not the majority of the boats are secured to something, ¾ to trees on Beach 4, Beach 6 trees or the fence. Town Counsel Tagliafiero suggested coming up with an alternative now rather than wait as there is a cost associated every time we adopt a new local law. She suggested defining the circumference of a tree or a

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bush that could be incorporated or state stanchion for now even though it's not approved. She suggested taking out some of the laws and making rules that can be adopted by resolution. Councilman Ruthven said he can show you multiple trees with chains stuck in them half dead because the cables have killed the trees. It doesn't happen quickly and most times there hasn't been a boat attached in 10 years. He said he would look into the cost of the stations and inform the board. Walter thought having an option is reasonable and would be acceptable. Supervisor Fleming if that information on the stations could be received it can be brought to the LCPD Advisory Meeting next week so when this public hearing is reopened we can be on the same page. She said not just killing the existing trees but we are trying to bring the buffer back. Councilman Ruthven said that is the reason the DEP wants them out of the riparian buffer zone. He said he has researched this and can as be as simple as two big boulders with a cable in between them, there are simple options. Walter suggested a fair amount of them distributed equitably all around the lake. He did not see anyone complaining about a practical solution.

Resolution #237 -Adjourn the Public Hearing

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The Public Hearing on Lake Carmel Park District Town Code Changes was adjourned until July 20, 2021.

Motion carried unanimously

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, Lieutenant Flynn, Recycling Co-Chair Kotzur, Lake Carmel Park District Advisory Chair Recher and Co Chair Ulich and several members of the public.

RESOLUTION #238 - ACCEPTING AND RELEASING EROSION CONTROL SURETY BOND AND ESCROW FOR INSPECTION FEE

INTRODUCED BY: Councilman Ruthven

SECOND BY: Supervisor Fleming

WHEREAS, the Planning Board, by Resolution #12 of the Year 2021, dated June 24, 2021, has recommended that the Town Board accept: (i) an Erosion Control Bond in the amount of \$1,200; and (ii) inspection fees in the amount of \$1,000 from the owner of the property located at 12 Barrett Hill Road, Carmel, New York 10512 as shown on the Town of Kent Tax Map as 33.24-1-64; and

WHEREAS, the Planning Board, by Resolution #9 of the Year 2021, dated June 10, 2021, has recommended that the Town Board release: (i) the surety bond in the amount of \$8,930; and (ii) the remaining escrow for fees in the amount of \$678.38 to the owner of the property located at 189 Churchill Road, Kent, New York as shown on the Town of Kent Tax Map as 12.-1-28; and

WHEREAS, the Planning Board, by Resolution #10 of the Year 2021, dated June 10, 2021, has recommended that the Town Board release: (i) the erosion control bond in the amount of \$5,000; and (ii) the remaining escrow for fees in the amount of \$259.45 to the owner of the property located at Daffodil Lane, Kent, New York as shown on the Town of Kent Tax Map as 11.12-1-21; and

WHEREAS, the Town Board wishes to accept the recommendations as set forth in Planning Board Resolution Nos. 9, 10 and 12; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the recommendation of the Planning Board that an Erosion Control Bond and inspection fee be accepted from the Owner of 12 Barrett Hill Road, and hereby authorizes the release of the remaining escrow/review account and surety/erosion control bonds on the above referenced properties in the above referenced amounts to the party designated to receive such funds by the owners of the properties.

Motion carried unanimously

RESOLUTION #239 - FOR AUTHORIZATION TO OFFER ITEMS FOR SALE THROUGH AUCTIONS INTERNATIONAL, INC.

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INTRODUCED BY: Councilwoman McGlasson

SECONDED BY: Councilman Ruthven

WHEREAS, by Memoranda dated June 23, 2021, Nicholas Mancuso, Service Manager of Municipal Repairs has advised that the Lake Carmel Park District Truck #8, a 1988 Dodge Pick Up, VIN 1B7FE16XXK5025078 ("Truck #8), has reached the end of its service life and Mr. Mancuso recommends that said truck be offered for sale to third parties through auction;

WHEREAS, the Town Board wishes to authorize Municipal Repairs to use the services of Auctions International Inc., to offer Truck #8 for sale to third parties or, if there are no purchasers, to scrap the Truck #8 in exchange for its metal value.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent, authorizes Municipal Repairs to offer Truck #8 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 #8, Municipal Repairs is authorized to scrap the truck for its metal value.

Motion carried unanimously

RESOLUTION #240 - TO ACCEPT BID FOR CONSTRUCTION OF "LEAN-TO" FOR HIGHWAY DEPARTMENT

INTRODUCED BY: Councilman Ruthven

SECOND BY: Councilwoman McGlasson

WHEREAS, the Town of Kent duly advertised for bids for construction of a new metal clear span "lean-to" to be used as a combination truck garage facility for Lake Carmel Sanitation and Kent Highway Department; and

WHEREAS, one bids were received in response to the advertisement and the bids were opened and publicly read aloud at the Kent Town Center; and

WHEREAS, Metal Building Restoration Inc. submitted the lowest bid in the overall amount of \$3,209,680.25; and

WHEREAS, John Watson of Insite Engineering reviewed the bids submitted and, by letter dated April 19, 2021, recommends that the Town accept the bid of Metal Building Restoration Inc.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby awards the bid for construction of a new metal clear span "lean-to" to be used as a combination truck garage facility for Lake Carmel Sanitation and the Kent Highway Department, for an overall cost not to exceed \$3,209,680.25; 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 #241 - AUTHORIZING ACCEPTANCE OF PROPOSAL OF AMERICAN TOWER FOR EQUIPMENT INSTALLATION

INTRODUCED BY: Councilman Ruthven

SECOND BY: Supervisor Fleming

WHEREAS, the Town, as Landlord, previously entered into Lease Agreements with Homeland Towers, LLC as Lessee for sites within the Town of Kent, including, a site at 25 Sybil's Crossing, Kent, New York and a site at Smokey Hollow Court, Kent, New York (hereinafter, "the Lease Agreements");

WHEREAS, Homeland Towers, LLC assigned its rights to Insite Towers Development, LLC which was acquired by American Tower Corporation; and

WHEREAS, pursuant to the Site Lease Agreements, the Lessee must obtain the consent of the Town Board prior to the installation of certain equipment of users of the tower on the site; and

WHEREAS, the Lessee is requesting the Town Board's approval on a proposal for the installation of equipment by Verizon Wireless at the Smokey Hollow Garage site and the installation of equipment at the Sybil's Court site, consistent with the plans prepared by Dewberry Engineers Inc. and submitted with the proposal, copies of which is annexed hereto and hereby incorporated; and

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NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby consents to the proposal consistent with the plans submitted by Lessee; 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

RESOLUTION #242 - AUTHORIZING HIRING OF CLERK AND PART TIME CODE ENFORCEMENT OFFICE FOR BUILDING DEPARTMENT

INTRODUCED BY: Councilwoman McGlasson

SECOND BY: Councilman Ruthven and Supervisor Fleming

WHEREAS, the Town of Kent is seeking to fill the positions of clerk and part-time code enforcement officer for the Building Department; and

WHEREAS, Sheila Finneran has demonstrated the proper qualifications to fill the position of Clerk for the Building Department;

WHEREAS, John Keher has demonstrated the proper qualifications to fill the position of part-time Code Enforcement Officer for the Building Department;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Kent hereby authorizes the hiring of Sheila Finneran as Clerk for the Building Department starting July 26, 2021 at an annual salary of \$37,000, and the hiring of John Keher as part-time Code Enforcement Officer for the Building Department starting August 2, 2021 at the rate of \$25 per hour; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Supervisor to execute any and all documents necessary to give effect to this resolution.
Motion carried unanimously

RESOLUTION #243 - APPOINTING COURT CLERK

INTRODUCED BY: Councilman Denbaum

SECONDED BY: Councilwoman McGlasson

WHEREAS, there is currently a vacancy in the position of Town of Kent Justice Court Clerk; and

WHEREAS, the Town Justices have recommended that the Town hire Jessica Edwards, who previously held the position, at an annual salary of \$62,000; and

WHEREAS, the Town Board wishes to accept the recommendation of the Town Justices;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby appoints Jessica Edwards as Clerk of the Town of Kent Justice Court, at an annual salary of \$62,000.

Upon Roll Call:

Councilman Denbaum –aye

Councilwoman McGlasson – aye

Councilman Huestis – abstained. He thinks there is more work, research and dialogue. All the salaries need to be looked at for the clerks and staff.

Councilman Ruthven – aye

Supervisor Fleming – nay. She really objects to bringing somebody back at a salary much higher than an original salary and an exorbitant salary compared to a lot of people that work very hard in town hall and paid a lot less than this and voted no.

Motion carried

RESOLUTION #244 - APPROVAL OF VOUCHERS & CLAIMS

On a motion by Councilman Huestis

Seconded by Councilwoman McGlasson

Resolved: All Vouchers # 200159630 - #200159856 and claims submitted by:

1. Aquarius Capital Solutions Group	\$5,000.00	GASB Report
2. Barney Zipkin Tree Service	\$10,510.00	Tree Work
3. Doyle Security Systems	\$9,790.57	Access Installation Town Center
4. Extreme Signs & Apparel	\$5,043.00	Baseball Uniforms
	\$2,000.45	Softball Uniforms
5. Global Montello Group	\$4,544.66	Fuel
6. Hogan & Rossi	\$5,416.63	Legal Services

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7. Home Depot	\$2,001.40	Leaf Bags
8. Magna5	\$3,915.99	Telephone Service
9. MCM Lagacy/Servpro	\$2,906.76	Basement Cleaning
10. Millennium Strategies	\$2,250.00	Grant Services
11. NYSEG	\$2,282.10	Electric: Ryan's Field
	\$3,109.83	Electric: Street Lights
	\$2,142.72	Electric: Police Station
12. Purchase Power	\$2,000.00	Postage
13. Roemer Wallens Gold & Mineaux LLP	\$2,034.30	Legal Services: Grievances
14. State Comptroller	\$31,615.00	Justice Court: May
	\$46,467.50	Justice Court: April
15. Stone Farm	\$10,000.00	Deposit: Granite Blocks
16. Town of Kent Municipal Repairs	\$31,247.64	Chargebacks: Highway
	\$5,839.81	Chargebacks: Sanitation

In the amount of \$252,516.25 may be paid.

Motion carried unanimously

Announcements

- Recreation is having a free summer movie series 7/21/21, 8/4/21, 8/18/21 and 9/9/21.
- Free Rabies Clinic Saturday July 17, 2021 at Hubbard Lodge 2880 Route 9, Cold Spring, NY.
- Fireworks held on 6/26/21 were amazing and a true celebration.
- Deputy Supervisor Bill Huestis was named Rotarian of the Year.
- The Town Board is still actively involved with the Carmel School Bus Issue.
- Walter Recher was thanked for his planting efforts on Route 52 & Route 311.
- Bob Ulich was thanked for heading the Lake Carmel Pan Fish Derby.
- Chris Ruthven and his family was thanked for taking on the gateway at Ludingtonville Road.
- The board is working on providing Zoom meetings for the Lake Carmel Park District Advisory Meetings, it will not happen overnight.

Public Comment

Kathy Doherty received an email this 90 degree morning that the Lake was being treated, she asked if more notice could be given. Supervisor Fleming replied there was a mix up. Kathy asked about the docks that were to be put out two weeks ago. Councilwoman McGlasson replied the Harvester is currently being fixed once up and running the docks will be put out. Kathy asked for further information on 494 Route 52 in the Sewer District, was it fixed. Councilman Denbaum replied he wasn't given any updates since.

Walter Recher asked if a notice could be circulated that the Lake Carmel Park District is still looking to hire lifeguards.

Sue Kotzur said she was told that the Town of Kent did not receive the grant for the hiring of the mining experts and asked about it. Councilman Ruthven said they are having internal discussions on what the next steps are. They are in full agreement on which way they want to proceed and hopes they will be in two weeks.

Bob Ulich thanked the board and the committee for allowing the Pan Fish Derby. He concurred the fireworks were incredible. He said about 4 years ago the board approved the removal of a dock and asked that it be looked at.

Resolution #245 - Adjournment

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: The Town Board Meeting July 6, 2021 adjourned at 8:55p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli
Town Clerk