

TOWN BOARD MEETING SEPTEMBER 14, 2021

A regular Town Board Meeting was held on Tuesday, September 14, 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.

Kent Police Department Swearing in Ceremony – Antonio Desucre

Supervisor Fleming introduced the newest member of the Kent Police Department Officer Antonio Desucre. Chief Owens explained Officer Desucre comes highly recommended from NYCPD, he is going to be a fine addition to the Town and the department. Officer Desucre took his Oath of Office with his family and friends in attendance. There was a round of applause.

Pledge of Allegiance

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

Roll Call

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

Also present: Town Clerk Cappelli, Highway Superintendent Othmer, Town Counsel Tagliafierro, Chief Owens, Lieutenant Flynn, Recycling Co-Chair Kotzur and several members of the public.

Resolution #278 - Authorize Purchase of 926M Cat Loader & 420XE Cat Backhoe for Highway

On a motion by Councilwoman McGlasson

Seconded by Councilman Denbaum

WHEREAS, the Town Board of the Town of Kent has received a request from the Town Highway Superintendent to purchase a 2022 CAT Wheel Loader (the "Wheel Loader") and a 2021 420XE CAT Backhoe (the "Backhoe"); and

WHEREAS, the Town Board has determined there is a need to purchase the Wheel Loader and the Backhoe; and

WHEREAS, the Town Board has been provided with a proposal for the Wheel Loader from HO Penn Company in the amount of \$177,950 pursuant to US Government Contract, and a proposal for the Backhoe from HO Penn Company in the amount of \$128,100 pursuant to US Government Contract; 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 Highway Department to purchase the Wheel Loader and CAT Backhoe consistent with the above referenced proposals;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes and approves the following purchases from HO Penn Company pursuant to US Government Contract (i) one 2022 CAT Wheel Loader for a price not to exceed \$177,950; and (ii) a 2021 420XE CAT Backhoe for a price not to exceed \$128,100; 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 #279 - Authorize Highway to Auction Front Loader & Backhoe through Auctions International

On a motion by Councilman Denbaum

Seconded by Councilman Ruthven

WHEREAS, by Memorandum dated August 10, 2021, Richard T. Othmer, Superintendent of the Town of Kent Highway Department, has advised that the Highway Department is no longer in need of certain

equipment, identified below and has recommended that said equipment be offered for sale to third parties through auction:

1. 936E- 1990 CAT Loader VIN 33Z04597:
2. 430E-2010 CAT Backhoe VIN CAT0430EKRLN00415; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent, authorizes the Town of Kent Highway Department to offer the Equipment 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 the Equipment, the Highway Department is authorized to scrap the Equipment for its metal value.

Motion carried unanimously

Resolution #280 - Authorize Town Clerk to Advertise for Parking Project at Ryan Memorial Park

On a motion by Councilman Ruthven

Seconded by Supervisor Fleming

WHEREAS, the Town of Kent wishes to advertise for bids for the rehabilitation of the parking lots for Phases I & II at Edward Ryan Memorial Park; and

WHEREAS, the Town Board of the Town of Kent wishes to authorize its Town Clerk, Yolanda D. Cappelli, to advertise for bids for the rehabilitation of the parking lots for Phases I & II at Edward Ryan Memorial Park;

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 rehabilitation of the parking lots for Phases I & II at Edward Ryan Memorial Park.

Upon Roll Call Vote:

Councilman Denbaum – nay

Councilwoman McGlasson – aye

Councilman Huestis – as long as there are no environmental concerns with the water running off that stream. If it is the basic done before he votes yes.

Councilman Ruthven – he believes we are following the exact same footprint of what is existing there and votes yes.

Supervisor Fleming – yes. She thinks it interesting we talked about improving our parks and thinks this a great start improving the parking lots at Ryan Park and votes yes.

Motion carried

High Hazard Dam Rehabilitation Grant

Supervisor Fleming stated the town applied for planning for future work to rehabilitate the Lake Carmel Dam and received a notification on September 3rd that we have been awarded from the NYSDEC \$100,000 to do this work. She explained there was \$600,000 total worth of funds in this pool for the entire state. It is a great first step.

Resolution #281 - Hire Temporary Park Maintenance Worker for Lake Carmel Park District

On a motion by Councilman Ruthven

Seconded by Supervisor Fleming

WHEREAS, the Town of Kent is seeking to fill a seasonal position a Park Maintenance Helper for the Lake Carmel Park District (“LCPD”); and

WHEREAS, Frank Sabatini, Lake Carmel Crew Chief, has recommended the hiring of Joseph Ilacqua for the fall season at \$15 per hour effective immediately; and

WHEREAS, the Town Board wishes to accept the recommendation of Mr. Sabatini and hire Mr. Ilacqua;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Mr. Ilacqua, as a Seasonal Park Maintenance Helper for the LCPD as further detailed above. Motion carried unanimously

Resolution #282 - Authorizing Town Clerk to Advertise for Seasonal Park Maintenance Workers for Lake Carmel Park District

On a motion by Councilwoman McGlasson
Seconded by Councilman Ruthven

WHEREAS, the Town of Kent is seeking to fill a temporarily vacant Park Maintenance Worker position for the Lake Carmel Park District; and

WHEREAS, the Town of Kent wishes to advertise for applications to fill said position; and

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 applications for a temporary Park Maintenance Worker for the Lake Carmel Park District.
Motion carried unanimously

Resolution #283 - Hiring of Northeast Aquatic Research to Conduct Monitoring of Lake Tibet

On a motion by Councilman Ruthven
Seconded by Supervisor Fleming

WHEREAS, by email dated August 2, 2021, Liz Baird of the Lake Tibet Advisory Board requested that the Town Board continue with its efforts to improve the condition of Lake Tibet by engaging a company to provide lake assessment services; and

WHEREAS, pursuant to the Town's procurement policy, a request for proposal was submitted to three vendors who provide such service and Northeast Aquatic Research submitted the sole and therefore lowest quote, a copy of which is annexed hereto and hereby incorporated; and

WHEREAS, the Advisory Board has recommended that the Town accept the quote of Northeast Aquatic Research for a price not to exceed \$5,500, and the Town Board wishes to accept the recommendation.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Kent hereby accepts the quote of Northeast Aquatic Research to conduct a study on the water quality and aquatic vegetation at Lake Tibet for a cost not to exceed \$5,500 consistent with the proposal.
Motion carried unanimously

Resolution #284 - Authorizing Correction of Violation, Acceptance of Proposal & Charge to Property Owners

On a motion by Councilman Denbaum
Seconded by Councilman Ruthven

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:

34 Lottie Road	Tax Map 33.82-1-51;
73 Hamilton Drive	Tax Map 22.49-1-16;
1072 N. Horsepound Road	Tax Map 12.-1-16;

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 two proposals in response, copies of which are annexed hereto and incorporated by reference; and

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

34 Lottie Road	\$ 100	JB Affordable Lawn Care Inc.
73 Hamilton Drive	\$ 100	JB Affordable Lawn Care Inc.
1072 N. Horsepound Road	\$ 175	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 \$375; 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 #285 - Agreement for Installation of Stormwater Retrofit with East of Hudson Watershed Corp. Rambler Road & Seven Hills Lake Drive

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

WHEREAS, the Town of Kent is a member of the East of Hudson Watershed Corporation (the “EOH”), an association of municipalities located in the New York City watershed east of the Hudson River; and

WHEREAS, EOH assists its members in complying with the Municipal Separate Storm Sewer System Permit effective May 1, 2010 (the “MS4 Permit”) by the design and installation of stormwater retrofit projects approved by New York State Department of Environmental Conservation (the “NYSDEC”); the

WHEREAS, the Town intends to permit the EOH to enter onto Town land to commence construction of a stormwater retrofit project known as Kent-BC-830 (the “Project”), at the sole cost and expense of the EOH; and

WHEREAS, the Town desires to enter into an agreement with EOH, in the form annexed hereto and hereby incorporated by reference, permitting EOH to enter onto Town land for construction and installation consistent with the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Town Supervisor to execute any and all documents, including the Agreement for Installation of Stormwater Retrofit Project, in form satisfactory to the Town Attorney, and to take any and all other necessary or appropriate actions to give effect to this resolution; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby approves and ratifies all acts heretofore taken by the Town Board, Town Supervisor, and any and all other Town Officials in connection with this agreement.

Upon Roll Call Vote

Councilman Denbaum – abstain Councilwoman McGlasson – aye

Councilman Huestis – aye Councilman Ruthven – aye

Supervisor Fleming – aye

Motion carried

Resolution #286 - Authorizing Acceptance of Quote for Water District #1 – Generator Repairs

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

WHEREAS, the generator servicing the Town Water District #1 failed, leaving the residents of the district without water; and

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The Town Board of the Town of Kent obtained two quotes from GenServe, Inc., to perform the repair on the generator serving the Water District #1, with provision for renting a backup generator, in accordance with the service contracts between GenServe and the Town; and

WHEREAS, the Town Board authorized GenServe to make such repairs and provide a back up generator for an overall cost of \$13,767.87; and

WHEREAS, due to the emergency situation, there was no time to approve the service and rental of the back up generator prior to the work being done;

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby accepts the quotes of GenServe, and ratifies and approves the actions of the Town Board in arranging for the immediate repair to the generator for Water District #1, for a total cost of \$13,767.87.
Motion carried unanimously

Resolution #287 - Acceptance of Proposal to Repair Town Hall Sprinkler System

On a motion by Councilman Ruthven
Seconded by Councilwoman McGlasson

WHEREAS, after a burst pipe and flooding in Town Hall, a sprinkler system inspection was conducted by Calculated Fire Protection on June 17, 2021; and

WHEREAS, Calculated Fire Protection Co., Inc has proposed that an additional 4" OS&Y valve with a tamper switch be added to the system to ensure proper shut off, and has proposed a cost for installation of such a valve to be \$2,850; and

WHEREAS, the Town of Kent wishes to use the services of Calculated Fire Protection Co, Inc. to provide the above referenced service at the above referenced cost;

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby accepts the proposal of Calculated Fire Protection Co, Inc.; 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 #288 - Authorize Town Clerk to Advertise for Temporary Mechanic

On a motion by Councilwoman McGlasson
Seconded by Councilman Ruthven

WHEREAS, the Town of Kent is seeking to fill the temporary position of Mechanic in the Municipal Repairs Department; and

WHEREAS, the Town of Kent wishes to advertise for applications to fill said position;

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 applications for the temporary position of for the Town of Kent Municipal Repairs Department.

Motion carried unanimously

Resolution #289 - Kent Climate Smart

On a motion by Supervisor Fleming
Seconded by Councilman Ruthven

Whereas, the New York State Energy Research and Development Authority (NYSERDA) is by providing technical support and grant funding to encourage municipalities to participate in a voluntary "opt-in" community solar campaign; and

Whereas the community solar program will benefit town residents by allowing them to save up to 10% annually on their electrical power, depending on their choice of solar energy supplier; and

Whereas this solar power is delivered by NYSEG through a voluntary opt-in program with no signup costs or cancellation fees; and

Whereas this program will create jobs for Hudson Valley workers by supporting development of solar farms in the region; and

Whereas Sustainable Putnam, a nonprofit county-wide organization, has launched a Community Campaign, “Solarize Putnam,” has vetted the solar energy suppliers in this region, and has created a website with information about Community Solar with links for signing up with the supplier that was rated as superior;

Now therefore be it resolved that the Town Board of the Town of Kent expresses support for informing town residents about the NYSEDA Community Campaign, Solarize Kent, which will work in cooperation with Sustainable Putnam’s Solarize Putnam campaign, via appropriate channels such as social media and websites so residents can make informed decisions about whether or not to participate in the program.

Upon Roll Call Vote:

Councilman Denbaum: Wanted to object to this we had these conversations before, everyone knows his position, one of the criticism to his objections was the task force is here to do this type of stuff, to that point it is true we did pass a task force against his objections and this is something that the task force enumerated to do, to help [p the Town of Kent do some certain things whether it matter or not, he doesn’t think it matters and is fine. He said a social media campaign to promote this thing fine, he will not object to this. He will just log a complaint and say that he still thinks the Climate Task Force Facebook page and social media should stick to their charter which is these type of things and not post articles of controversial bills in Congress. On how we need to pass the new Green Deal with quotes that say Republicans once called for government as the problem now they want to ruin your life. These are the articles that are being promoted by an agency of our government which is above and beyond, we do not need that in the town. This particular instance is within the scope of everything and Chris is taking a reasonable approach on this and supports it and will not object but the constant deluge of partisan postings on Facebook would end and voted yes.

Councilman Ruthven did discuss this with them after the last meeting, he said the board will look at what is posted and agree on it. There is concern that we do not take any political stand one way or another. It is about Climate Smart and the CAC’s role.

Councilwoman McGlasson – thinks it beneficial to the town and votes yes.

Councilman Huestis – he hopes once this happens they do not increase it and voted yes.

Councilman Ruthven – yes

Supervisor Fleming – absolutely

Motion carried unanimously

Local Sales Tax Sharing

Supervisor Fleming said this has been discussed for years with Putnam County about sharing the sales tax amongst the towns and village. Most other counties share sales tax. She said we can’t force the County to do it. She said this proposal is saying share 50% of any increase in revenue based upon the town or village population. The board discussed the pros and cons and past cooperation with the County for various projects that have worked well and the size and larger amounts of tax collected from Dutchess and Westchester County. The board discussed that the proposal before them is different and maybe beginning a conversation with the Putnam County Legislatures representing Kent is a start.

E – Waste Day

Councilwoman McGlasson stated the County initially offered E-Waste services and has no longer been providing them. Kent hired a company but unfortunately the bins were not being filled and replaced as quickly as the company wanted. She contacted a few carters but it is a specialized service all pointing to the company SAMR. SAMR has availability this October, they provide a driver, two helpers and a box truck holding approximately \$10 – 15,000 pounds, costing \$3,250. If we need an additional container is \$2,500. The board was in agreement that this was a good idea, possibly setting the date for either October 16 or the 23rd between 9:00 a.m. – 12:00 noon.

Resolution #290 - Approval of Vouchers and Claims

On a motion by Councilman Huestis

Seconded by Councilman Ruthven

Resolved: All Vouchers #200160393 - #200160683 and Claims submitted by:

- | | | |
|------------------------|------------|--------------------------------|
| 1. Allstate V3.0, Inc. | \$3,862.45 | Electrical Repair: Ryan’s Park |
|------------------------|------------|--------------------------------|

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2. B&C Gymnastics	\$3,520.00	Gymnastics
3. Capital Markets Advisors	\$12,392.72	Serial Bonds
4. Cemco	\$2,364.25	Town Center Monthly Operations
5. Chemung Supply Corp.	\$19,824.00	Guiderail Installation
	\$52,181.28	Guiderails
6. City Carting	\$2,682.07	Lake Carmel Garbage
	\$10,477.01	
	\$6,632.39	
7. Custom Bandag, Inc.	\$6,912.40	Tires
8. Dempsey Steel Pipe Co.	\$9,984.00	Culvert Pipes
9. Edmonds Gov Tech	\$4,560.00	Property System Maintenance
10. F.I. Adams, Inc.	\$60,000.00	½ Payment Retaining Wall
11. Global Montello Group	\$3,762.60	Fuel
	\$5,090.60	
12. Hogan & Rossi	\$5,416.63	Legal Services: September
13. H.O. Penn Machinery Co.	\$23,885.71	Equipment Rental
14. Insite Engineering	\$3,000.00	Parking Lot Improvement
	\$4,249.00	Dam Remediation
15. Intercounty Paving Co.	\$71,272.74	Paving
	\$52,817.92	
	\$160,893.82	
	\$179,394.98	
16. Medicare Reimbursements	\$31,625.58	3 rd Quarter Reimbursements
17. Metzger Construction Corp.	\$11,226.00	Sewer District Repair
18. Millennium Strategies	\$2,250.00	Grant Services
19. NYCOMCO	\$2,846.00	2 Way Radios
20. NYS Dept of Civil Service	\$210,510.04	Health Insurance: September
21. Portadam, Inc.	\$9,990.00	Bridge Replacement
22. Purchase Power	\$2,000.00	Postage
	\$2,000.00	
23. Patrick Roncallo but not paid)	\$3,660.00	Cemetery Mowing June-Aug(on August
24. R.T.I. Industries	\$15,390.00	Stone
25. Spain Agency	\$69,407.54	Insurance Installment
26. Stage Drop	\$2,972.53	Portable Stage Kit
27. State Comptroller	\$31,526.00	Justice Court Fines & Fees
28. Wingdale Materials	\$15,630.16	Stone
	\$9,488.79	
	\$14,064.97	
	\$10,592.69	

In the amount of \$1,208,641.30 may be paid.

Motion carried unanimously

Announcements

-Putnam County Household Hazardous Waste Day October 9, 2021 from 9am – 12:00 noon
 -Caitlyn Rose Savio 10th Annual Event on 10/9/2021 at Kiwi Country Day Camp from 12:00 – 5:00 p.m.
 -National Telephone Discount Lifeline Awareness Week from 9/13/ - 9/17/21 discounts for those that qualify for Telephone and broadband services information can be obtained from the Lifeline page on AskPSC.com website

Sue Kotzur said she attended the last Planning Board Meeting, John Andrews, Planner made a statement they have provided to the town the information that they gathered regarding the mining law. The board replied they did not. Kathy Doherty asked about being at 89% market value and its effect on school taxes. She also asked when are we going to begin to pay off the 8 Million dollar bond are we using the 3 million, are taxes going up next year. Supervisor Fleming does not intend to raise taxes and believes we begin to pay that off next year. She believes some bonds will be paid off. Councilman Denbaum does not want to go up to 100% you have some properties that will go up, some stay the same. He said the discrepancies arise when you share a school district with another town. Kathy raised concerns as we were at 100% she was concerned about the bond, the Lake Carmel Dam and the cost.

Resolution #291 - Adjourn to Executive Session

On a motion by Councilman Denbaum

Seconded by Councilman Huestis

Resolved: The Town Board adjourned to Executive Session to discuss personnel.

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Motion carried unanimously

Resolved #292 - Adjournment

On a motion by Councilman Ruthven

Seconded by Supervisor Fleming

Resolved: The meeting adjourned at 10:52 p.m. no action was taken.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli
Town Clerk