

## TOWN BOARD MEETING DECEMBER 7, 2021

A regular Town Board Meeting was held on Tuesday, December 7, 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](http://www.townofkentny.gov) under Video's on Demand.

**Resolution #364 - Adjourn to Executive Session**

On a motion by Supervisor Fleming

Seconded by Councilman Ruthven

Resolved: The Town Board adjourned to executive session at 6:09 p.m. to discuss, 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 #365- Adjourn Executive Session**

On a motion by Councilman Ruthven

Seconded by Councilman Huestis

Resolved: Executive Session adjourned at 6:59 p.m.

Motion carried unanimously

**Pledge of Allegiance**

Supervisor Fleming called the meeting to order with the Salute to the Flag at 7:00 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, Councilwoman Elect Campbell, Chief Owens, Building Inspector Walters, Director of Finance Kelly, Recycling Co-Chair Kotzur, Lake Carmel Park District Chair Recher and several members of the public.

**Resolution #366 - Open Public Hearing – Demolition of Buildings at 238-240 Route 52**

On a motion by Supervisor Fleming

Seconded by Councilman Ruthven

Resolved: The Public Hearing on the demolition of Buildings at 238-240 Route 52 was opened.

Motion carried unanimously

Supervisor said before them are two Orders to Remedy Violations that were written by Building Inspector Walters. Bill Walters explained they are for two separate parcels that have been going downhill and are at the point that legal action could be taken to have the buildings removed. He said certified notification was sent to the property owners, they signed for one only. The matter was brought to the board for corrective actions to move forward, the buildings are condemned, unfit for human occupancy, unsafe, the roof on one is collapsing, the main frame supports on the other are rotten. He understands there is a glitch, the properties were up for auction. Town Counsel Tagliafiero explained the sale has not been consummated, she said communication with both the owners attorney and the buyers attorney were made today, we may be able to work something out with them, without the town having to take corrective action. In the meantime the board will go ahead with the hearing today, keep it open so that the parties can be heard and something worked out. Building Inspector Walters said quotes were received for the board to review the costs. NYSEG and the telephone company were notified of the possible demolition. Supervisor asked for questions or comments there were none. Councilman Huestis thanked Building Inspector Walters for moving forward on this. Building Inspector Walters thanked his staff and Jack Kehur for obtaining the quotes.

**Resolution #367 - Adjourn the Public Hearing – Demolition of Buildings at 238-240 Route 52**

On a motion by Supervisor Fleming

Seconded by Councilman Ruthven

Resolved: The Public Hearing on the demolition of Buildings at 238-240 Route 52 was adjourned to December 21, 2021.

Motion carried unanimously

**Presentation 2020 Audit by Robert Daniele**

## TOWN BOARD MEETING DECEMBER 7, 2021

Mr. Daniele thanked the board, Yulia Kelly and the staff for their professionalism during the process. He went over the report (See attached). He said they issued an unmodified opinion which is a clean opinion the highest level of assurance that an entity can receive. He said the Library is missing in the report, as that audit has not been completed, for that reason they had to issue an adverse opinion. They did audit the Justice Court and issued a separate report, there were a couple of comments but nothing called significant deficiency. He reviewed the General Fund on page 4 and a five year look back on Fund Balance on page 5. Stating in 2020 you had a Fund Balance of 4.8 Million dollars with some fund balance committed to police purposes. He reviewed page 6 revenues falling short about \$90,000. He said partly due to Covid cancellations, low interest earnings and Courts being closed. He said the good news is State Aid, Mortgage Tax exceeded the budget by \$70,000. The town has not exceeded the property tax cap since enacted in 2011. He reviewed page 8 the expenditure side and page 10 the Highway Fund, stating revenues exceeded the budget by \$150,000 ending the year with \$555,690 in Fund Balance. Page 11 was a five year look back at Highway. He said sale of property, compensation for loss and an auction generated income on page 12. He reviewed page 14 the Special Districts and the five year look back. He referred to page 15 the Capital Projects Fund with 16 active projects, the fund shows a deficit of 3 million dollars, the town has a short term bond anticipation note of \$3 million dollars that supports those projects, it is a short term note, the interest rates are a favorable 1.25%. He said one outstanding bond of \$525,000 will be paid over the next two years. He said the debt service requirements for 2021 are \$395k, \$382 for 2022 and \$59 k for 2023, the time you will convert those short term bond anticipation notes into a bond. He said currently the town maintains an Aa2 Bond rating noted on page 16 when you convert the anticipation note you should receive favorable interest rates. He said the town is receiving \$1.3 million in what they call ARPA Funds, the America Rescue Plan Federal Funding, 50% has been received already, a revenue loss calculation needs to be filed by February, if you compare that calculation to 2019 benchmarks and determine that you do have a revenue loss you are able to take in as general revenue to the extent of the loss if not you can use the Fund for water, sewer and broadband projects.

**Resolution #368 - Regarding Insurance Renewal**

Kiernan Boyle of Brown and Brown thanked the board for allowing him to speak. He said the Worker's Compensation Coverage is due to renew on January 1, 2022 coming off a 2 year policy with PERMA. He secured options from PERMA and Comp Alliance each providing a 1 and 2-year policy. He believes a 2 year policy term is advantageous as it gives you a discount premium in Year 1 and Year 2 is subject to your individual claims. He referenced Option #3 (see attached). He said PERMA is still more cost advantageous than Comp Alliance.

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

WHEREAS, the Town's worker's compensation insurance policy is in need of renewal; and

WHEREAS, the Town Board is in receipt of an Insurance Proposal for the 2022-2023 year from the Brown and Brown Insurance (the "Proposal"); and

WHEREAS, the Proposal details the cost for renewal of the worker's compensation insurance policy, a copy of which Proposal is annexed hereto and incorporated by reference herein; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent approves and accepts the Proposal from Brown and Brown Insurance to renew its worker's compensation policy for the years 2022 to January 1, 2024 as per Option #3 with PERMA not to exceed \$379,248.

**BE IT FURTHER RESOLVED**, that the Town Supervisor is hereby authorized and directed to execute any and all agreements and other documents necessary to give effect to this Resolution, consistent with the terms hereof, all in form satisfactory to the Supervisor and the Town Attorney.  
Motion carried unanimously

**American Rescue Plan Act Funding**

Director of Finance Kelly said this is an ever revolving thing, there is new things coming out almost every month on what the allowable activities will be for the ARPA money. They are talking of expanding the infrastructure to include more than just water, sewer and broadband. She said at this point they will be doing the revenue loss calculations, whatever that is we will be able to keep for now. She said the only area of spending for actual projects might be a town wide septic renovation, we do not have a central water or sewer system. If they change it to a broader spectrum of infrastructure we might have a possibility of spending the money. At present the money is sitting in a separate fund, whatever we do not spend has to be returned to the Treasury by 2024. A discussion took place on septic issues, the problems with the old failing water districts and an additional well at town hall.

**KNOW  
GREATER  
VALUE**

# **Town of Kent, New York Report to the Town Board December 31, 2020**

**Robert Daniele, Partner**

December 7, 2021





## Summary Overview of Audit

### General Fund

- 2020 Budget to Actual Summary
- Fund Balance Analysis – 5 Year Comparison
- 2020 Budget to Actual – Revenues
- Major Revenues – 5 Year Comparison
- 2020 Budget to Actual – Expenditures
- Major Expenditures – 5 Year Comparison

### Highway Fund

- 2020 Budget to Actual Summary
- Fund Balance Analysis – 5 Year Comparison
- 2020 Budget to Actual – Revenues and Expenditures
- Major Revenues and Expenditures – 5-Year Comparison

### Other Considerations

### Overall Financial Health

- Deliverables
  - Independent Auditors' Report on the basic financial statements
  - Required communications to those charged with governance
  - Management letter
  - Town Justice Court audit report
- We did not identify control deficiencies that we consider to be material weaknesses or significant deficiencies concerning internal control over financial reporting
- No uncorrected differences
- Audit results – Independent Auditors' Report – (Pages 1-3)  
PKFOD issued an unmodified opinion on the basic financial statements and since Library is a component unit and report not issued - an adverse opinion for that opinion unit.



# General Fund – 2020 Budget to Actual Summary

Page 58 - Basic Financial Statements

	Original Budget	Final Budget	Actual	Variance with Final Budget
Total Revenues	\$ 10,225,263	\$ 10,240,823	\$ 10,150,402	\$ (90,421)
Total Expenditures	10,216,035	10,266,745	9,820,888	445,857
Excess (Deficiency) of Revenues Over Expenditures	9,228	(25,922)	329,514	355,436
Other Financing Uses- Transfers out	(537,933)	(537,933)	(537,933)	-
Net Change in Fund Balance	(528,705)	(563,855)	(208,419)	355,436
Fund Balance - Beginning of Year	528,705	563,855	5,011,941	4,448,086
Fund Balance - End of Year	\$ -	\$ -	\$ 4,803,522	\$ 4,803,522

# Fund Balance – General Fund Retrospective

## Fund Balance Comparison

### General Fund

Page 50 - Basic Financial Statements

	Increase (Decrease) 2020 vs 2019	2020	2019	2018	2017	2016
<i>Nonspendable:</i>						
Inventories	\$ 13,190	\$ 264,876	\$ 251,686	\$ 241,332	\$ 218,657	\$ 212,077
Prepaid expenditures	22,695	323,924	301,229	344,125	313,294	346,638
Total Non-spendable Fund Balances	35,885	588,800	552,915	585,457	531,951	558,715
<i>Restricted -</i>						
Debt Service	952	191,434	190,482	189,534	188,967	188,684
<i>Committed -</i>						
Police Purposes	153,500	153,500	-	-	-	-
<i>Assigned:</i>						
Future recycling projects	(1,950)	101,877	103,827	89,878	89,373	172,149
Police tuition	-	38,350	38,350	38,350	28,350	18,350
Subsequent year's expenditures	(255,600)	273,105	528,705	387,932	324,000	140,000
Total Assigned Fund Balances	(257,550)	413,332	670,882	516,160	441,723	330,499
<i>Unassigned</i>	(141,206)	3,456,456	3,597,662	4,021,747	4,702,911	4,887,851
Total Fund Balances	\$ (208,419)	\$ 4,803,522	\$ 5,011,941	\$ 5,312,898	\$ 5,865,552	\$ 5,965,749
<i>Unassigned</i>	3,456,456					
2021 Adopted Budget	10,398,364	=	33.2 %			



## Page 57 - Basic Financial Statements

### REVENUES

	Budget		Actual	Variance with Final Budget
	Original	Final		
Real Property Taxes	\$ 7,921,797	\$ 7,921,797	\$ 7,897,516	\$ (24,281)
Other Tax Items	45,000	45,000	54,397	9,397
Non-property taxes	281,000	281,000	265,597	(15,403)
Departmental Income	753,650	769,210	645,622	(123,588)
Use of Money and Property	160,150	160,150	121,611	(38,539)
Licenses and permits	3,500	3,500	1,970	(1,530)
Fines and Forfeitures	678,956	678,956	628,081	(50,875)
Sale of property and compensation for loss	-	-	2,370	2,370
State Aid	322,849	322,849	392,691	69,842
Federal aid	-	-	25,571	25,571
Miscellaneous	58,361	58,361	114,976	56,615
Total Revenues	\$ 10,225,263	\$ 10,240,823	\$ 10,150,402	\$ (90,421)

- 1) Interdepartmental charges were \$79,067 less than budgeted and Parks and rec events such as baseball and soccer were canceled due to Covid-19 resulting in less revenues.
- 2) Interest earnings were \$42,641 less than originally budgeted – interest rates are at an all time low due to the pandemic.
- 3) Courts were closed for over 3 months due to the pandemic and less vehicles on the road.
- 4) State Aid – Mortgage tax revenues exceeded the budget by approximately \$68,000. Because of low interest rates, triggering homes purchase and refinancing.



# General Fund – Major Revenues – 5 Year Comparison

	2020	2019	2018	2017	2016
Real property taxes	\$ 7,897,516	\$ 7,865,532	\$ 7,874,589	\$ 7,866,618	\$ 7,879,916
Departmental Income including interdepartmental charges	645,622	766,918	782,786	616,872	636,378
Fines and Forfeitures	628,081	749,112	675,898	581,349	628,571
State aid - Including Mortgage tax	392,691	321,398	387,961	410,813	343,208
All other categories	586,492	620,601	510,694	476,300	546,214
	<u>\$ 10,150,402</u>	<u>\$ 10,323,561</u>	<u>\$ 10,231,928</u>	<u>\$ 9,951,952</u>	<u>\$ 10,034,287</u>

# General Fund – 2020 Budget to Actual Expenditures

Page 58 - Basic Financial Statements

## EXPENDITURES

Current:

	Budget		Actual	Variance with Final Budget -
	Original	Final		
General Government Support	\$ 3,253,704	\$ 3,330,970	\$ 3,158,320	\$ 172,650
Public Safety	4,233,062	4,242,260	4,057,580	184,680
Health	10,594	10,656	10,152	504
Transportation	227,146	231,612	231,089	523
Economic opportunity and development	26,900	2,900	2,820	80
Culture and Recreation	1,288,333	1,277,421	1,191,737	85,684
Home & Community Services	222,195	252,667	246,421	6,246
Employee Benefits	660,251	624,409	628,919	(4,510)
Debt Service:				
Principal	270,000	270,000	270,000	-
Interest	23,850	23,850	23,850	-
Total Expenditures	10,216,035	10,266,745	9,820,888	445,857
<b>OTHER FINANCING USES</b>				
Transfers out	537,933	537,933	537,933	-
Total Expenditures & Other Financing Uses	\$ 10,753,968	\$ 10,804,678	\$ 10,358,821	\$ 445,857



# General Fund – Major Expenditures – 5 Year Comparison

	2020	2019	2018	2017	2016
General Government Support	\$ 3,158,320	\$ 3,308,074	\$ 3,251,003	\$ 3,186,010	\$ 3,070,900
Police	3,813,109	3,776,770	3,944,927	3,801,243	3,573,344
Parks	365,685	405,388	345,443	336,474	386,131
Library	591,369	550,721	553,735	552,001	551,083
Health Insurance	549,291	587,585	521,969	505,983	578,901
Debt Service	293,850	310,850	322,263	338,163	323,663
Transfers out -					
Highway Fund	127,933	538,318	622,219	-	-
Capital Projects Fund	410,000	2,200	79,811	140,000	-
All other categories	1,049,264	1,144,612	1,143,212	1,192,275	1,022,169
	<u>\$ 10,358,821</u>	<u>\$ 10,624,518</u>	<u>\$ 10,784,582</u>	<u>\$ 10,052,149</u>	<u>\$ 9,506,191</u>

# Highway Fund – 2020 Budget to Actual Summary

Page 67 - Basic Financial Statements

	Original Budget	Final Budget	Actual	Variance with Final Budget
Total Revenues	\$ 3,588,420	\$ 3,588,420	\$ 3,737,875	\$ 149,455
Total Expenditures	3,716,353	3,716,353	3,401,113	315,240
Excess (Deficiency) of Revenues Over Expenditures	(127,933)	(127,933)	336,762	464,695
Total Other Financing Uses - Transfer In	127,933	127,933	127,933	-
Net Change in Fund Balance	-	-	464,695	464,695
Fund Balance - Beginning of Year	-	-	90,995	90,995
Fund Balance - End of Year	\$ -	\$ -	\$ 555,690	\$ 555,690



# Fund Balance – Highway Fund – Retrospective

## Fund Balance Comparison

### Highway Fund

Page 50 - Basic Financial Statements

	Increase (Decrease) 2020 vs 2019	2020	2019	2018	2017	2016
Nonspendable-						
Prepaid expenditures	\$ (4,330)	\$ 95,857	\$ 100,187	\$ 121,014	\$ 105,472	\$ 112,198
Assigned-						
Subsequent years expenditures	-	-	-	-	22,780	568,950
(Unassigned) Assigned major funds	469,025	459,833	(9,192)	(14,756)	1,761	19,801
Total Fund Balances	\$ 464,695	\$ 555,690	\$ 90,995	\$ 106,258	\$ 130,013	\$ 700,949

Unassigned

2021 Adopted Budget

$$\frac{459,833}{3,722,806} = 12.35 \%$$

# Highway Fund – 2020 Budget to Actual Revenues and Expenditures

Page 67 - Basic Financial Statements

	Budget		Actual	Variance with Final Budget
	Original	Final		
<b>REVENUES</b>				
Real property taxes	\$ 3,570,420	\$ 3,570,420	\$ 3,570,420	\$ -
Use of money and property	8,000	8,000	18,660	10,660
Sale of property & compensation for loss	10,000	10,000	124,766	114,766
Miscellaneous	-	-	24,029	24,029
	127,933	127,933	127,933	-
<b>OTHER FINANCING SOURCES</b>				
Transfer In				
	127,933	127,933	127,933	-
Total Revenues	\$ 3,716,353	\$ 3,716,353	\$ 3,865,808	\$ 149,455
<b>EXPENDITURES</b>				
Current				
Transportation				
Repairs and maintenance	\$ 1,541,680	\$ 1,658,291	\$ 1,585,529	\$ 72,762
Snow removal	1,103,772	967,910	846,358	121,552
Brush & weeds	8,000	8,000	6,954	1,046
Employee benefits	977,280	977,280	857,400	119,880
Debt Service:				
Principal & Interest	85,621	104,872	104,872	-
Total Expenditures	\$ 3,716,353	\$ 3,716,353	\$ 3,401,113	\$ 315,240



# Highway Fund – Major Revenues and Major Expenditures – 5-Year Comparison

<u>Revenues</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>
Real property taxes	\$ 3,570,420	\$ 3,570,420	\$ 3,570,420	\$ 3,570,420	\$ 3,570,420
Other financing Sources Transfers In	127,933	538,318	622,219	-	-
All other categories	167,455	31,645	89,058	30,487	15,618
	<u>\$ 3,865,808</u>	<u>\$ 4,140,383</u>	<u>\$ 4,281,697</u>	<u>\$ 3,600,907</u>	<u>\$ 3,586,038</u>

<u>Expenditures</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>
Transportation					
Repairs and maintenance	\$ 1,585,529	\$ 1,884,076	\$ 2,061,893	\$ 2,019,526	\$ 2,112,838
Snow removal	846,358	1,273,017	1,205,851	1,087,887	950,688
Brush and weeds	6,954	2,189	10,862	5,748	7,512
Employee benefits	857,400	940,659	971,141	950,767	925,707
Debt service	104,872	55,705	55,705	57,915	58,717
Transfers out to other funds	-	-	-	50,000	74,000
	<u>\$ 3,401,113</u>	<u>\$ 4,155,646</u>	<u>\$ 4,305,452</u>	<u>\$ 4,171,843</u>	<u>\$ 4,129,462</u>

# Other Considerations

- Special Districts Fund (pages 69-72) – Includes the Fire Protection, Park, Water, Sanitation and Sewer District's. Ended the year with expenditures that exceeded revenues by (\$308,623) resulting in ending fund balance of \$1,015,988 of which \$760,168 is considered assigned for special district purposes.
  - The Romanoff Water District has a deficit fund balance of (\$28,622) that must be addressed in future budgets.
  - Lake Carmel Park District reflected expenditures that exceeded revenues by \$69,000
  - Lake Carmel Sanitation District reflected expenditures that exceed revenue by \$237,000 due to purchase of garbage truck in 2020.

## Fund Balance Comparison Special Districts Fund Page 50 Basic Financial Statements

	2020	2019	2018	2017	2016
<b>Increase (Decrease) 2020 vs 2019</b>					
<i>Nonspendable-</i> Prepaid expenditures	84,997	80,900	69,038	64,587	69,070
<i>Restricted:</i> Repairs	111,691	110,673	110,561	110,448	109,748
Future Capital Projects	132	129	128	131	131
	111,823	110,802	110,689	110,579	109,879
<i>Committed-</i> Tree Replanting	59,000	59,000	59,000	-	-
<i>Assigned:</i> Subsequent year's expenditures	151,437	150,077	75,056	82,154	179,277
Assigned - Special District Purposes	608,731	923,832	1,032,434	1,076,498	1,154,196
	760,168	1,073,909	1,107,490	1,158,652	1,333,473
Total Assigned Fund Balances	\$ 1,015,988	\$ 1,324,611	\$ 1,346,217	\$ 1,333,818	\$ 1,512,422
Total Fund Balances					



## Other Considerations (Cont'd)

- Capital Projects Fund (pages 76-78) - Approximately 16 active projects. Fund deficit of (\$3,012,024), supported by a bond anticipation note of \$3 million. Several projects with deficits that must be funded.
- Debt Service requirements (page 39-41) are approximately \$395k for 2021, \$382k for 2022 and \$59K for 2023.

Purpose	Year of Issue	Original Issue Amount	Final Maturity	Interest Rate	Amount Outstanding at December 31, 2020
Refunding Bonds	2011	\$ 2,875,000	September, 2022	2.000 - 3.000 %	\$ 525,000
<b>Year Ended December 31,</b>					
		<b>Principal</b>	<b>Interest</b>		<b>Total</b>
2021	\$	265,000	\$ 15,750	\$	280,750
2022		260,000	7,800		267,800
	\$	525,000	\$ 23,550	\$	548,550

### Bond Anticipation Note

The Town, has \$3,000,000 of outstanding bond anticipation notes for the construction of road improvements and a roof canopy at the highway yard. The note matured on July 31, 2021, and had an interest rate of 1.25%.



# Summary – Closing Points

The continuation of the Town's overall good financial health can be credited to:

- Continued leadership of the Town's Board and Administration
  - Having remained within the 2% tax cap "Tax levy Limitation Law" since it was enacted.
- Cost effective purchasing procedures

**Financial Health is important because:**

- Assists in the computation of the Town's Tax levy
- Improves cash flow and can impact credit rating
  - The Town currently maintains **Aa2 Bond rating from Moody's**
- Funds unexpected and unbudgeted contingent expenditures and/or revenue shortfalls including state aid while preserving Town programs
- Reduces borrowings and interest costs

**Issued Our Communication to Those Charged With Governance**

*"Management letter", No material weaknesses or significant deficiencies noted.*

*Internal controls over major classes of transactions appear to be operating as designed.*

*The Town has a strong finance department who are very cooperative and responsive to our inquiries. Overall, the 2020 audit reflects positive results and the overall health of the Town appears strong. **The Town will also be receiving America Rescue Plan Federal Funding of \$1.3 million which can be utilized over the next few years.***

**On the Horizon Government Accounting Standards Board (GASB)**

**Statement No. 87 "Leases".**



## PREMIUM SUMMARY

### Premiums

Line of Business	Expiring Premium PERMA 2021-2022 (Year 2 of two-year policy)	<u>OPTION # 1</u> <u>PERMA</u> Renewal Premium 2022-2023 (one-year policy)	<u>OPTION # 2</u> <u>Comp</u> <u>Alliance</u> Renewal Premium 2022-2023 (one-year policy)	<u>OPTION # 3</u> <u>PERMA</u> Renewal Premium 2022-2024 (two-year policy)	<u>OPTION # 4</u> <u>Comp</u> <u>Alliance</u> Renewal Premium 2022-2024 (two-year policy)
Workers Compensation Funding	*\$213,908.00	*\$210,941.00	*\$211,709.00	*\$377,314.00 - \$386,988.00	*\$423,418.00
2% Pay in Full Discount if Applicable	(\$4,278.00)	(\$4,092.00)	n/a	(\$7,546.00 - \$7,740.00)	n/a
			*		
<b>Total Contribution (If Paid in Full)</b>	<b>\$209,630.00</b>	<b>\$206,849.00</b>	<b>\$211,709.00</b>	<b>**\$369,768.00 - \$379,248.00</b>	<b>\$423,418.00</b>

*\*NYS Assessment is not included in above premium figures. You will be billed quarterly directly by the Workers Compensation Board (estimated annual assessment is approx. \$15,108 per year).*

**\*\*PERMA's two-year quote is loss sensitive and the second year premium is subject to your individual claim experience for the period of 1/1/22 – 11/30/22. We are showing the best and worst case scenarios. Additional details can be found on following page.**

- \*PERMA is required to collect the New York Assessment on behalf of the NYS Workers Compensation Board (WCB) and pass through the monies to the WCB when invoiced. The WCB additionally may audit the related payrolls and adjust billing as needed.

# Contact Information

[www.pkfod.com](http://www.pkfod.com)

*Robert Daniele, Partner*  
[rdaniele@pkfod.com](mailto:rdaniele@pkfod.com)

665 Fifth Avenue  
New York, NY 10022  
T: 212.286.2600

20 Commerce Drive  
Suite 301  
Cranford, NJ 07016  
T: 908.272.6200

293 Eisenhower Pkwy  
Suite 170  
Livingston, NJ 07039  
T: 973.535.2880

32 Fostertown Rd  
Newburgh, NY 12550  
T: 845.565.5400

254 Route 17K  
Newburgh, NY 12550  
T: 845.567.3600

2 Bethesda Metro Center  
Suite 420  
Bethesda, MD 20814  
T: 301.652.3464

500 Mamaroneck Avenue  
Harrison, NY 10528  
T: 914.381.8900

300 Tice Boulevard  
Suite 315  
Woodcliff Lake, NJ 07677  
T: 201.712.9800

3001 Summer Street  
5<sup>th</sup> Floor East  
Stamford, CT 06905  
T: 203.323.2400

100 Great Meadow Road  
Wethersfield, CT 06109  
T: 860.257.1870

40 Westminster Street  
Suite 600  
Providence, RI 02903  
T: 401.621.6200



## TOWN BOARD MEETING DECEMBER 7, 2021

**Resolution #369 - Authorizing Correction of Violation, Acceptance of Proposal & Charge to Property Owner**

On a motion by Councilwoman McGlasson  
Seconded by Councilman Ruthven

**WHEREAS**, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation dated September 13, 2021 (the "Order to Remedy") directing the owner to remove rubbish from the exterior of the property identified as 17 Briarcliff Road, Kent, New York (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 with the sole and therefore lowest proposal from FI Adams Inc. in the amount of \$650, 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 \$650; 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).  
Motion carried unanimously

**Resolution #370 - Approve Inter-Municipal Agreement for Outreach Worker**

On a motion by Councilman Ruthven  
Seconded by Supervisor Fleming

**WHEREAS**, pursuant to New York General Municipal Law, Article 5-G, local governments are authorized to enter into municipal cooperation agreements; and

**WHEREAS**, the Town of Kent wishes to enter into an inter-municipal agreement with the County of Putnam to provide an Outreach Worker to seek out and assist residents of the Town who are over the age of 60 years in exchange for the sum of \$2,500, as set forth in the proposed agreement attached hereto and hereby made a part hereof;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby approves the attached Inter-Municipal Agreement and the payment of the sum of \$2,500 in exchange for the Outreach Worker; and

**BE IF FURTHER RESOLVED**, that the Town Board of the Town of Kent authorizes the Town Supervisor to execute the attached agreement and any documents necessary to give effect to this Resolution.  
Motion carried unanimously

**Mining Proposal**

Councilman Denbaum went through his notes to review past language he prepared. He explained Councilman Ruthven is preparing a submission based upon questions and comments for the hired experts so they understand and prepare a draft. He understands Chapter 63 deals with Soil Removal, there is nothing in Town Code authorizing mining. He said Chapter 63 vests in the Town Board a significant amount of power to go through the permitting and approval process. He believes what happened on the site, the soil removal or mining, call it what you will, occurred with the site plan, never

getting to Chapter 63. He said if the town board decides to authorize some sort of mining then they need to go forward and work with the experts and provide legislation. If they do not want to do that and want to prohibit mining and a tighter grasp on soil removal he suggested making it clear that any permits for soil removal or any soil removal needs to be governed by Chapter 63 and that Chapter 77 which deals with Planning, Zoning and site plan approval has no governing provisions over soil removal, therefor you could not use the site-plan process, the planning board process to answer your soil removal questions. (see attached) He used the definition of mining the experts provided to them with a tweek or two and stated no permit shall be issued for mining. He outlined how to prohibit mining and secure any soil removal permits in Chapter 63. He wanted to give his thoughts as he will no longer be on the board at the end of the year. Councilman Ruthven appreciated the comments and will pass it on to the experts who will walk him through it to see what it looks like. The board discussed Chapter 77 getting around the mining and soil removal but defining the section of code that deals with the process is a good way to move forward without manipulation.

Eileen Civitello thanked the members of the board who are leaving for their efforts, she knows their hearts are with the town, and wished them luck. She also recommended that the board look at blasting the same way you are looking at removing site plan into soil removal. There were no further questions or comments.

**Resolution #371 - Authorizing Renewal Contract with Millennium Strategies**

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

WHEREAS, the Town Board of the Town of Kent is in receipt of the proposed annual renewal agreement with Millennium Strategies to provide continued grant consulting services to the Town; and

WHEREAS, the Town Board wishes to renew its agreement with Millennium with a monthly retainer of \$2,500; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes and approves the renewal agreement with Millennium Strategies; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to execute any and all agreements and other documents necessary to give effect to this Resolution, consistent with the terms hereof, all in form satisfactory to the Supervisor and the Town Attorney, if requested.

Motion carried unanimously

**Resolution #372 - Add Sign Stipulation of Settlement to the Agenda**

On a motion by Supervisor Fleming

Seconded by Councilman Ruthven

Resolved: Authorization to sign the Stipulation of Settlement was added to the agenda.

Motion carried unanimously

**Resolution #373 - Stipulation of Settlement**

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The Supervisor is authorized to sign the Stipulation of Settlement between the Town of Kent and International Brotherhood of Teamsters Local 456.

Motion carried unanimously

**Resolution #374 - Approval of Vouchers & Claims**

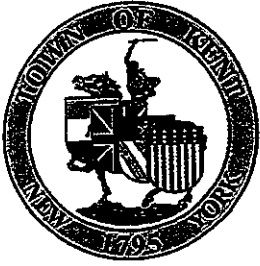
On a motion by Councilman Huestis

Seconded by Councilman Ruthven

Resolved: All Vouchers #200161427 - #200161706 and claims submitted by:

2021		
1. Barney Zipkin Tree Service	\$12,900.00	Tree Service
2. City Carting	\$13,295.96	Lake Carmel Garbage
3. Commisioner of Finance	\$3,325.44	2021 Assessment/Tax Rolls
4. Custom Bandag	\$3,965.64	Tires
5. Du-Ben Steel Buildings	\$2,900.00	SnoJax Recycling Building
6. Durkin Water	\$2,145.00	Water: WD#2
7. Global Montello Group	\$4,426.40	Fuel
8. H.O. Penn	\$128,100.00	Backhoe
	\$4,796.13	Truck Parts
9. Kevin P. Irwin	\$3,528.00	Special Prosecutor





## **CODE ENFORCEMENT**

**OF THE TOWN OF KENT, PUTNAM COUNTY, N.Y. 10512**  
**845-306-5598**

**November 22, 2021**

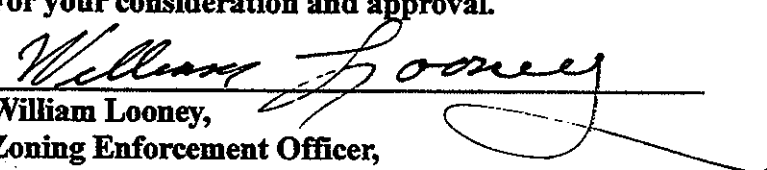
**From: Zoning Enforcement Officer, Town of Kent:**  
**To: Supervisor Fleming, Town board members, Town of Kent:**  
**Subject: Violation requiring town corrective action:**

**Enclosed please find violation issued by the undersigned and bids for correction.**  
**Site owners have not responded to Notices of Violation with correction.**

**Location requiring correction:**  
**17 Briarcliff Road:**

**The following proposals have been submitted:**  
**FI Adams Inc. \$650.00**  
**AAA Carting did not submit a bid.**  
**Suburban Carting did not submit a bid.**

**For your consideration and approval.**

  
**William Looney,**  
**Zoning Enforcement Officer,**  
**Town of Kent.**

## Maureen Fleming

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**From:** Paul Denbaum  
**Sent:** Monday, December 6, 2021 3:26 PM  
**To:** Maureen Fleming; Jamie McGlasson; Christopher Ruthven; ntag@hoganandrossi.com; William Huestis  
**Subject:** Mining Law

Maureen,

See below for proposed mining law, revised based on my review of the experts materials. I would like this on tomorrow agenda for discussion. Thanks.

Paul

Chapter 63 of Town of Kent Code is amended as follows:

Notwithstanding any contrary in any subsection of Chapter 63 of the Town of Kent Code, Soil Removal Law, no permit shall be issued for Mining.

Mining shall be defined as: The extraction of overburden and mineral from the earth, the preparation and processing of mineral, including any activities or processes or part thereof for the extraction or removal of mineral from their original location and the preparation, washing cleaning, crushing, stockpiling or together processing of minerals so as to make them suitable from commercial, industrial, or construction at the site the Mining occurred or at any other site or location.

All soil removal in the C or IOC zoning districts shall be governed by this Chapter and any authorization to remove soil shall only be granted pursuant to this Chapter. No authority for Soil Removal or Mining as defined in this Chapter shall be governed by any provisions of Chapter 77 of the Town Code.

## TOWN BOARD MEETING DECEMBER 7, 2021

10. Medicare Reimbursements	\$28,999.38	Medicare Reimbursements
11. Millennium Strategies	\$2,250.00	Grant Services
12. Morton Salt	\$19,882.50	Salt
13. NYCOMCO	\$2,846.00	2 Way Radios Police
14. NYS & Local Retirement System	\$1,200,032.00	Annual Invoice
15. Northeast Aquatic Research	\$3,070.00	Lake Tibet
16. Peckham Materials	\$11,354.99	Blacktop
	\$27,067.84	
17. Laura Roberts	\$2,215.00	Prosecutor
18. Royal Carting	\$4,517.70	Recycling Garbage: Sept.
	\$6,465.50	Recycling Garbage: Oct.
	\$4,455.95	Recycling Garbage: Nov.
19. State Comptroller	\$41,135.00	Justice Court: Fines & Fees
20. Superior Distributors	\$5,853.60	Truck Parts
21. The Seasons Edge Landscaping	\$2,504.57	Lake Tibet Beautification
22. Toshiba Business Solutions	\$2,024.44	Copy Machines
<b>2022</b>		
1. Kent Fire District	\$495,445.00	2022 Budget

In the amount of \$1,630,824.29 may be paid.

Motion carried unanimously

#### **Announcements**

- The Kent Library is sponsoring Highlights of the Met Museum on 12/8/21 at 7:00 p.m. Opera Talks, Lo Boheme on 12/9/21 at 6:00 p.m. Impact Cratering on 12/13/21 at 6:30 p.m. at the Roosevelts at Christmas 11/15/21 at 6:00 p.m. all are Zoom events that you need to sign up in advance at the Library.
- The Kent CAC, is sponsoring a Star Party on 12/11/21 at 5:30 at the Town Hall Green
- The CHS Rams Football Team won the NYS AA Championship this past Saturday. There is going to be a parade for them Saturday December 11, 2021 at 11:00 a.m. from Reed Library to the County Court House.
- Today is the 80<sup>th</sup> Anniversary of the attack of Pearly Harbor.

#### **Public Comment**

Walter Recher was happy to see all those who attended the Lake Carmel Holiday Lightning on Sunday. It was a very nice ceremony. He thanked the board for their continued diligence on the Sclafani property and to Councilman Huestis for taking the lead on it and Building Inspector Walters as well a great example of the town working together. He said he did attend the CHS game in Syracuse, it was amazing to see the community gather on the street on Friday to see the various people and departments cheering them on. He said at the game alumni from all generations were there, a parent of one of the players who works for I 95 wrote an amazing piece and it ends with this " in closing after the Championship game had ended my wife Felicia and I were one of the last to leave the Carrier Dome as we were leaving we were approached by an employee of the arena she said she has worked the games for years and had never seen any group behave with such class. She noted the students and fans were so responsive to any directions she gave and she had never seen a group applaud the opposing team during the awards ceremony. She was going to use Carmel as a standard for all the schools to follow."

#### **Resolution #375 - Adjournment**

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: The Town Board meeting of December 7, 2021 adjourned at 8:25 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli  
Town Clerk



