

TOWN BOARD MEETING DECEMBER 21, 2021

A regular Town Board Meeting was held on Tuesday, December 21, 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 7:00 p.m.

Also present: Town Clerk Cappelli, Town Counsel Tagliafierro, Councilwoman Elect Campbell, Highway Superintendent Othmer, Chief Owens, Building Inspector Walters, Recreation Director Kuczenski, Recycling Co-Chair Kotzur, and several members of the public.

Resolution #376 - Re-Open Public Hearing – Demolition of Buildings at 238-240 Route 52

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

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. Town Counsel Tagliafierro stated this will need to be held over until the 2nd meeting in January. She explained both corporations have been dissolved and they are identifying the property owners. She has been contact with the attorney representing the seller and the estate. Councilman Huestis was hoping this to be resolved before the promises of resurfacing Route 52 in the spring of 2022. Sue Kotzur recalled 8 years ago Councilman Denbaum mentioning the structures entering the Town of Kent and hopefully 8 years later it will be taken down.

Resolution #377 - 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 January 18, 2022.

Motion carried unanimously

Roll Call:

Supervisor Fleming – Present

Councilman Denbaum –Present

Councilwoman McGlasson- Present

Councilman Huestis - Present

Councilman Ruthven - Present

Resolution #378 - Approving Payroll Clerk to Perform Confidential Clerical/Administrative Duties to Assist the Town Highway Superintendent

On a motion by Councilman Denbaum

Seconded by Councilman Ruthven

WHEREAS, Angela Verity currently works under the Civil Service title of Payroll Clerk, pursuant to which she works closely with the Town Highway Superintendent and Town Accountant on the highway budget, aids the highway Superintendent with preparation of documents related to the budget and bidding for materials and supplies, tracks daily spending, tracks purchases and supplies received and creates vouchers to submit with vendor invoices for payment processing; and

WHEREAS, the Highway Superintendent is entitled to appoint a Confidential Secretary; and

WHEREAS, in addition to her duties as Payroll Clerk, Angela Verity currently performs confidential clerical/administrative duties for the Highway Superintendent on a limited, as needed basis: and

WHEREAS, it is sometimes necessary and advisable to combine the administration duties of municipal employees in order to provide basic, yet essential services to Town residents while saving costs; and

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WHEREAS, the Putnam County Personnel Department advises that the assigning of confidential clerical/administrative duties to assist the Town Highway Superintendent does not violate Civil Service Law;

NOW, THEREFORE, BE IT RESOLVED, that the Kent Town Board authorizes the Payroll Clerk in the Town of Kent Highway Department to be under the Supervision of the Highway Superintendent; and

BE IT FURTHER RESOLVED, that Angela Verity is appointed to serve in the capacities enumerated at her current rate of pay for both Payroll Clerk Duties and Confidential Clerical/Administrative duties for the Superintendent of Highways.
Motion carried unanimously

Resolution #379 - Updating Local Highway Inventory

On a motion by Councilwoman McGlasson
Seconded by Councilman Ruthven

WHEREAS, by letter dated December 15, 2021, the Town Highway Superintendent, Richard Othmer, has recommended the inclusion of certain roads on the Local Highway Inventory prepared for the New York State Department of Transportation (the "Local Highway Inventory") and as set forth on Mr. Othmer's letter as annexed hereto and incorporated herein; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the recommendations regarding revisions to the Local Highway Inventory made by Mr. Othmer and include to Clarkson Court and East Road to said Inventory;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the addition of Clarkson Court and East Road to the Local Highway Inventory.
Motion carried unanimously

Resolution #380 - Award Highway Bids *Bituminous Concrete In-Place & Catch Basins* were rescinded by Resolution #68 & #69 on January 18, 2022

On a motion by Councilwoman McGlasson
Seconded by Councilman Ruthven

WHEREAS, the Town of Kent advertised for bids for prices of highway materials to be effective from January 1, 2022 until December 31, 2022; and

WHEREAS, bids were received and opened and publicly read at the Kent Highway Garage; and

WHEREAS, Highway Superintendent Othmer has reviewed the bids and recommends awarding bids for materials to the lowest bidders as set forth on the summary document annexed hereto and incorporated herein;

NOW THEREFORE, BE IT RESOLVED, that upon the recommendation of Highway Superintendent Othmer, the Town Board of the Town of Kent hereby accepts the bids for highway materials for 2022 as set forth on the summary annexed hereto.
Motion carried unanimously

Resolution #381 - Accept Grant to Highway Department

On a motion by Councilman Ruthven
Seconded by Councilwoman McGlasson

WHEREAS, the Town of Kent Highway Department has been awarded a grant though the New York State Department of Transportation 2021 Bridge NY Project Awards (the "Grant") for the Lake Louise Drive culvert in the amount of \$999,000; and

WHEREAS, the Town Board desires to accept the Grant and to approve and ratify any and all prior action taken by Town Officials in connection therewith;

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NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the Grant in the amount of \$999,000; 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 Highway Superintendent, Town Supervisor, Town Board, and any and all other Town Officials in connection with the subject grant.
Motion carried unanimously

Recreation – Improvements at Huestis Park & Grant Award

Supervisor Fleming said for some time there has been talk of improvements at the unutilized Huestis Park. Some improvements like hiking trails have been made. In the spring a concept was presented to the board for a multi-use sport court. She said meetings have taken place with Councilman Huestis, Jared, Paul Camarada and Jeff Contelmo of Insite Engineering at no cost to the town about the project and what it could look like. They received letters of support from Senator Schumer, the Chuang Yen Monastery and Assemblywoman Galef who pledged \$125,000 for the project. Through the Consolidated Funding Grant Application they were awarded the Grant of \$491,313 and a promise from Paul Camarada to cover the cost of the engineering for the project. Recreation Director Jared Kuczenski presented a power point of the concept plan for Huestis Park. It has morphed from being something small to a tremendous project. He showed an aerial view of the 100 acres of Huestis Park demonstrating the 10 acres that is used, showing the large green area to be two softball fields and other activities. He pointed to the upper level of the park where the playground currently is located. They plan on excavating the area to house the new amenities which he zoomed in on, pointing out two additional areas of parking and the location of a pavilion with two bathrooms, a potential concession stand etc. located near the parking lot making it accessible. He thinks the pavilion will hold 8 – 10 picnic tables. He said next to that will be the playground one for younger children and another for older and swings. He pointed to the area of the potential leach fields and the multi-purpose use court. He said it is ideal for the park since the property is not ideal for different amenities. He said it is called a MUGA a multi-use game area that houses different activities at the same time or transition from one to another. He said possibly at 10:00 am having a floor hockey game and a pickle ball game at noon etc. He said this will transform the park space. He said they will also be installing a nice walking path around the park too. He thanked Mr. Camarada for his tremendous commitment to engineering the project. He explained in the next few months the engineering, SEQRA and environmental review need to be completed the final plan may look a whole lot different. The board discussed the various grants the town submitted for and received and awaiting results from.

Resolution #382 - Consenting to the Formation & Incorporation of the Kent Hills Water Works Corporation

On a motion by Councilwoman McGlasson
Seconded by Councilman Ruthven

WHEREAS, RFB, LLC (“Petitioner”) has petitioned the Town of Kent for consent to incorporate the Kent Hills Water Works Corporation pursuant to Article 4 of the Transportation Corporations Law in connection with the construction of a condominium project located in the Town of Kent (a copy of the Petition is attached hereto as Exhibit “A”); and

WHEREAS, Section 41 of the New York State Transportation Corporations Law requires a proposed water works corporation to obtain the consent to incorporate from the municipality in which the project is located, and since the proposed project is located within the Town of Kent, consent is required by the Town Board of the Town of Kent for the formation of the transportation corporation; and

WHEREAS, the Petitioner, RFB, LLC, has requested the consent of the Town Board of the Town of Kent to incorporate Kent Hills Water Works Corporation to operate and maintain the water supply infrastructure for the condominium project referenced herein; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Kent hereby consents to the formation and incorporation of the Kent Hills Water Works Corporation

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.

Upon Roll Call Vote:

Councilman Denbaum: aye Councilwoman McGlasson: aye

Councilman Huestis: aye Councilman Ruthven: aye

Supervisor Fleming: abstained

Motion carried

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Kent Police – Body Worn Cameras

Chief Keven Owens said this has been an ongoing issue for several years, brought up again on the police panel and a topic throughout the state. He said the department for a year has been using three cameras from Axon on a trial basis, it came in handy and has been used as evidence too. He provided the board with a lease for the equipment in the amount of \$195,000 for 5 years about \$39,000 per year which would give everyone in the department a camera. Chief Owens thanked Councilman Huestis, Councilman Denbaum and Supervisor Fleming for their support.

Resolution # 383 - Accept Lease with Axon Enterprise for Police Cameras

On a motion by Councilman Denbaum

Seconded by Councilman Ruthven

Resolved: The 5 year lease submitted from Axon Enterprise for Police Cameras was accepted not to \$195,500.81 in total and not more than \$36,108.00 per year.

Motion carried unanimously

New Year's Holiday

The board agreed that the New Year's Holiday will be Monday January 3, 2022.

Resolution #384 - Approval of Vouchers and Claims

On a motion by Councilman Huestis

Seconded by Councilman Ruthven

Resolved: All Vouchers #200161707 - # 200161828 and claims submitted by:

1. Cemco Water	\$10,336.74	Water District #2
	\$4,433.94	Water District #1
2. Danbury Auto Spring	\$3,568.40	Front Springs: Hwy #47
3. Hogan & Rossi	\$5,416.63	Legal Services
4. John Deere Financial	\$20,142.34	Lease Payment
5. Magna5 MS	\$3,450.45	Network Service
6. Magna5	\$3,881.74	Telephone Service
7. P.F. Beal & Sons	\$4,801.00	Water District #2 Well
8. Purchase Power	\$2,000.00	Postage
9. Rohde, Soyka & Andrews	\$2,280.00	Kent Soil Mining
10. Solitude Lake Management	\$14,000.00	Hydro-Raking Lake Tibet
11. Spain Agency	\$69,407.48	Quarterly Installment
12. Town of Kent Municipal Repairs	\$21,130.06	Chargebacks: Highway
	\$8,399.99	Chargebacks: Sanitation
13. Woodard & Currant	\$11,400.00	Palmer Lake Project
	\$9,800.00	
	\$113,380.00	

In the amount of \$329,137.38 may be paid.

Motion carried unanimously

Announcements

-Councilman Ruthven took the opportunity to thank the three board members who will be leaving, he said they certainly had their agreements and disagreements but has been a true pleasure. He said he has learned a lot from each and every one of you. He looks forward to meeting with Councilman Huestis to continue on with his leads and contracts and hopes the Supervisor is doing the same with Jamie for a smooth transition so residents receive the same services.

-Councilwoman McGlasson said the Town of Kent has benefited greatly from the three board members. She wished them the best of luck wherever life takes you and thanked them for everything they have done.

State Mandate

Councilman Denbaum stated County Executive O'Dell stated that they will not enforce the Governor's mask mandates enforcement and made a motion to support Putnam County Government.

Resolution #385 - Add Town of Kent Mask Mandate to the Agenda

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

Councilman Ruthven supports Councilman Denbaum's statement and does not know if it is necessary at the town level. He supports a resolution stating that we support Putnam County's Resolution.

Supervisor Fleming thought the County did not say never to observe the mask mandate but that they

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would not enforce the mask mandate as they do not want to divert funds, resources and personnel to police a mask mandate. She does not think the Town ever intended to have our police to enforce it. She is opposed to the town making a political statement.

Resolved: Add Town of Kent Mask Mandate to the Agenda

Upon Roll Call Vote:

Councilman Denbaum: aye Councilwoman McGlasson: aye

Councilman Huestis: aye Councilman Ruthven: aye

Supervisor Fleming: no

Motion carried

Resolution #386 - Town of Kent Mask Mandate

On a motion by Councilman Denbaum

Seconded by Councilman Ruthven

Resolved: The Town of Kent will follow Putnam County and support Putnam County's lead whereby, Putnam County Government Health Department and Law Enforcement will not be enforcing the Governor's unrealistic mask mandate.

Upon Roll Call Vote:

Councilman Denbaum: aye, he has been on the board for 8 years, this is one issue for the last 2 years that has been the most frustrating issue. This week Carmel Central School District decided they can no longer provide services to kids with special and regular needs, transportation. They couldn't do anything because of the Corona Virus. These dictates, mandates do real harm, drug overdoses, suicide rates and learning disabilities. The kids are two years into a mandate where everyone that could be is vaccinated and boosted. According to the NYS Health Department there is a .0003 chance that you will die if you contract the virus. This week special needs children will not receive physical, occupational or speech therapy, none. The Governor the night before she issued this mask mandate was indoors in NYC at a political holiday party without a mask on taking photos, arm and arm with people, not social distancing and the next morning there is a mask mandate, the result is kids are harmed. He supports the County Executive and County government and votes yes.

Councilwoman McGlasson: aye

Councilman Huestis: aye

Councilman Ruthven: aye

Supervisor Fleming: no, the position everyone is vaccinated is clearly untrue, the positivity rate is Putnam County is up to 10% it was 2%. We have had serious cases of COVID within Town and Town Government and thinks to make masks political is absurd, when health officials are saying maybe masks don't do everything, they aren't 100% but whatever protection you can afford to other people, she is vaccinated and boosted, she is not concerned of herself but the elderly, children and those she runs into. She thinks making this political statement which is opposed to health and safety is unwise and voted no.

Motion carried

Public Comment

Sue Kotzur thanked the Town Board for opting out of the Cannabis Law from the very beginning. She asked about funding for a Senior Center. Supervisor Fleming said there is \$200,000 grant for a Senior Center. Councilman Huestis said it is a dream we have a lot of elderly with no place to go. Sue asked about two items for Recycling one is the funds for the sale of their truck and insurance recovery money for the gate she has been assured that money will be been credited to their account. Supervisor replied yes.

Assemblywoman Sandy Galef, knows that there are members leaving the board, one retiring Supervisor and Councilman Huestis she said she will miss his calls on Zombie home and roads. She knows the Supervisor has worked with the Highway Superintendent to develop where you're going with roads and bridges and parks. She said she admires what the Supervisor has done, being a financial manager for the town, she read a citation from the NYS Assembly. She said she enjoyed working on projects with her and thanked her for a job well done. Supervisor Fleming thanked her for being a friend to her and the Town of Kent.

Councilman Huestis said he attempted to approach some litigation differently. He talked about a good neighbor grant from the developer at Bob's Garage and a contribution from Kent Acres's. He said Mr. Camarada is now helping with the Park. He said we have to speak up, Kent needs a fair treatment, Sandy Galef helps us tremendously, and so did Senator Schumer. He said we have to keep on pushing, there is a zip code issue that has to change. He has a dream for a community center/senior center. He said Kent can, and he gets upset when he hears the Town of Kent can't. He had opportunities to work for two different political parties and decided to stay here. We have to work together.

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Supervisor Fleming said it was an honor and a privilege to serve Kent residents. She ran with the other two board members on the Conservative line and they brought fresh air. She pledged to be fiscally responsible taking one raise in 8 years. They have delivered 8 budgets with no tax increases while making major improvements and small town community. She is proud of the work the board has done, and previous boards that have worked for the benefit of the people of the town. She said sometimes they have a disagreement when you sit in these seats your only goal should be to improve your town. She thanked the people of the Town of Kent for the trust they have invested in her and wished the incoming Supervisor Jamie McGlasson much luck and wished Ann Balant Campbell and Jorma Tompuri very good luck, it's a hard job, it is not thankless it is rewarding.

Resolution #387 - Adjournment

On a motion by Councilman Huestis

Seconded by Councilman Ruthven

Resolved: The Town Board Meeting of December 21, 2021 adjourned at 8:55 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli
Town Clerk