

TOWN BOARD MEETING OF APRIL 28, 2020

The Town of Kent regularly scheduled meeting was held on Tuesday, April 28, 2020 at 7:00 p.m. via ZOOM. The meeting was televised live on the Town of Kent Cable Channels as well as live streamed on YOU Tube. The public was able to participate via Zoom, You Tube or by emailing comments to the Supervisor. Supervisor Fleming explained the town board decided to conduct meetings in this matter to keep the town moving until we get back to normal.

To see the full meeting visit the Town of Kent's website at www.townofkentny.gov under Video's on Demand.

Pledge of Allegiance –

The meeting began with the Salute to the Flag.

Resolution #155 – Accept Quote for Shed at Ryan Memorial Park

Supervisor Fleming said an email was received from Recreation Director Kuczenski requesting a shed for Ryan Memorial Park because currently there is limited storage. Three quotes were received and Best in Backyards was recommended by the Director.

On a motion by Councilman Ruthven

Seconded by Supervisor Fleming

WHEREAS, according to Jared Kuczenski, Acting Director of Recreation & Parks, there is a need for a 12' X 12' storage shed at Edward Ryan Memorial Park; and

WHEREAS, consistent with the procurement policy, Mr. Kuczenski obtained three quotes for a shed for Edward Ryan Memorial Park, copies of which are annexed hereto and hereby incorporated herein; and

WHEREAS, Mr. Kuczenski recommends that the Town accept the lowest quote provided by Best in Backyards in the total amount of \$ 4,098; and

WHEREAS, the Town Board wishes to accept the recommendation of Mr. Kuczenski.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the quote of Best in Backyards to provide the shed for Edward Ryan Memorial Park, for a price not to exceed \$ 4,098.

The board took a poll vote as follows:

Councilman Denbaum - aye

Councilwoman McGlasson – aye

Councilman Huestis - aye

Councilman Ruthven - aye

Supervisor Fleming -aye

Motion carried unanimously

Resolution #156 – Authorizing Acceptance of Quote for Town Hall Generator Repair

Supervisor Fleming explained during a recent regular inspection, radiator core fins were noted to be restricted with debris. This work is not covered under the maintenance contract.

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

WHEREAS, the generator servicing the Town Hall is in need of maintenance, and the Town Board of the Town of Kent is in receipt of a quote from GenServe, Inc., to perform such maintenance, in accordance with the service contracts between GenServe and the Town; and

WHEREAS, GenServe has proposed the total cost to perform maintenance to the generator to be \$530; and

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby accepts the quote of GenServe for a total cost not to exceed \$530; 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.

The board took a poll vote as follows:

Councilman Denbaum - aye

Councilwoman McGlasson – aye

Councilman Huestis - aye

Councilman Ruthven - aye

Supervisor Fleming -aye

Motion carried unanimously

Resolution #157 - Accepting Proposal for Heating System – Kent Recycling

Supervisor Fleming stated three quotes were received with a significant difference in cost, the vendor is from Mahopac.

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

WHEREAS, the Town of Kent has determined there is a need for a2 Modine hanging heaters for the Town of Kent Recycling Center; and

WHEREAS, consistent with the Town’s procurement policy, the Recycling Center obtained proposals from businesses which provide this service, and has received three written proposals in response to such request, copies of which are annexed hereto and incorporated herein by reference; and

WHEREAS, Thru Way Plumbing & Heating, Inc. has submitted the lowest proposal dated April 7, 2020 in the amount of \$ 8,352.48; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the proposal submitted by Thru Way Plumbing & Heating, Inc.;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the proposal of Thru Way Plumbing & Heating, Inc. for the price set forth on the proposal annexed hereto; 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. The board took a poll vote as follows:

Councilman Denbaum - aye

Councilwoman McGlasson – aye

Councilman Huestis - aye

Councilman Ruthven - aye

Supervisor Fleming -aye

Motion carried unanimously

Sue Kotzur said Howard Carpenter obtained the quotes, it is fine with her.

Resolution #158 - Permitting the Use of the Old Town Hall by the Kent Historical Society

Supervisor Fleming said this has been discussed but never moved forward. She said the Historian and Historical Society have a lot of material that needs to be cataloged and do not have space. The old town hall is set up with tables and enough space that this can be safely done and within the town’s timeline since the building will not be sold soon. This would be temporary.

On a motion by Councilman Ruthven

Seconded by Councilman Huestis

WHEREAS, the Kent Historical Society (the “Society”) is a voluntary, not for profit corporation organized and existing under the laws of the State of New York, rendering museum and historical services, including exhibits, programs and publications to promote an understanding of the history of the Town of Kent and the region, and collecting and providing a safe repository for objects and records relating of the history of the Town of Kent and the region; and;

WHEREAS, pursuant to Section 57.07 (1) of the Arts and Cultural Affairs Law, the Town may expend monies for historical purposes and, in cooperation an historical organization, may provide for the preparation and publication of local histories in aid of the work of the local historian; and

WHEREAS, Town Law 64 (17)(a) provides that a town board may provide for the preservation and protection of places, buildings, works of art and other objects having a special character or aesthetic interest or value; and

WHEREAS, the Old Town Hall on Route 52, is currently unoccupied and unused by the Town; and

WHEREAS, the Town wishes to work in cooperation with the Society and Town Historian for the storage and organization of documentation and artifacts pertinent to the history of the Town, by

permitting the Society to temporarily use the unused space at Old Town Hall for the storage and collation of such documentation, and the Society wishes to use such space;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby permits the Society to temporarily use the unneeded space at Old Town Hall for the storage of historical documentation and artifacts, until such time that the Town sells, improves or otherwise repurposes the space, and on the condition that the Society continues to perform certain historical recordkeeping and exhibition services that the Town would otherwise provide.

The board took a poll vote as follows:

Councilman Denbaum - aye

Councilwoman McGlasson – aye

Councilman Huestis - aye

Councilman Ruthven - aye

Supervisor Fleming -aye

Motion carried unanimously

Resolution #159 - Accept Gift from BAUS – Chuang Yen Monastery

Supervisor Fleming said in the beginning of April the Town received a donation of face masks and a check in the amount of \$5,000 along with a letter which she read into the record. (attached)

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

WHEREAS, the Town of Kent in receipt of a donation in the amount of \$5,000 from the Buddhist Association of the United States; and

WHEREAS, this generous donation was made to the Town with a desire to assist the Town's efforts to control the spread of the COVID-19 virus, and the Town wishes to accept the donation, with gratitude.

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby accepts the donation with thanks to The Buddhist Association of the United States Chuang Yen Monastery for its thoughtfulness and generosity; 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.

The board took a poll vote as follows:

Councilman Denbaum - aye

Councilwoman McGlasson – aye

Councilman Huestis - aye

Councilman Ruthven - aye

Supervisor Fleming -aye

Motion carried unanimously

Resolution #160 - Approving Agreement Fireworks Extravaganza

Supervisor Fleming thought this a difficult item during these times. She said it was discussed since the 4th fell on a Saturday it was a difficult day to book and talked about the date of June 27th with the full day of events as usual. She said we do not know the state of the nation and hopes we can gather again in groups in the public. She expressed concerns to them about holding the event and fundraising since by law the town can only fund \$5,000 of the \$11,000. Councilman Ruthven thought to aim for June 27th we will know a lot more from the State by May 15th. The board discussed fundraising and thought it would be good for residents in light of the situation and it could be changed if necessary.

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

WHEREAS, the Town of Kent is in receipt of a proposed agreement with Fireworks Extravaganza for the annual Fourth of July Fireworks Display sponsored by the Town of Kent on June 27, 2020; and

WHEREAS, the fee for the fireworks display is \$11,000 and the agreement requires a deposit of \$2,750 in order to secure the fireworks display and date; and

WHEREAS, the Town Board of the Town of Kent has determined that the agreement is in the best interests of the Town and desires to enter into the agreement;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby ratifies and approves the Agreement with Fireworks Extravaganza in the form annexed hereto and authorizes payment of the fee for the display in an amount not to exceed \$11,000, which includes a \$2,750 deposit to Fireworks Extravaganza; 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.

The board took a poll vote as follows:

Councilman Denbaum - aye

Councilwoman McGlasson – aye

Councilman Huestis - aye

Councilman Ruthven - aye

Supervisor Fleming -aye

Motion carried unanimously

Resolution #161 - Authorizing Correction of Violation – Acceptance of Proposal and Charge to Property Owner TM#33.56-1-20

Supervisor Fleming said there are multiple violations and pictures in the backup. Councilman Huestis raised concerns about the health of the resident, he thought this has been done a few times and wonders if we will be able to recoup the money. He asked Counsel if anything else could be done. She replied we are doing what the Code allows but would look into it.

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

WHEREAS, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation dated March 3, 2020 (the “Order to Remedy”) directing the owner to remove rubbish from the exterior of the property identified as 24 Chauncey Road, Kent, New York, Tax Map No. 33.56-1-20 (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 from FI Adams Inc. in the amount of \$3,000, 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 \$3,000; 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).

The board took a poll vote as follows:

Councilman Denbaum - aye

Councilwoman McGlasson – aye

Councilman Huestis - aye but we need to look into this, the time and energy of our Code Enforcement Office is money, time is money, it will happen again, there is more than a problem, more than finances, hopefully we will be able to address this.

Councilman Ruthven - aye

Supervisor Fleming -aye

Motion carried unanimously

Resolution #162 – Adopting 2020 Building Codes

Supervisor Fleming said the State of New York has revised its Building Codes.

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

WHEREAS, the Town Board of the Town of Kent is in receipt of a request from the Town Building Inspector to adopt the 2020 Building Codes as further outlined on the request, a copy of which is annexed hereto and incorporated herein by reference; and

WHEREAS, Chapter 27 of the Town Code, entitled Building Administration and Construction defined “Uniform Code” as “the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time”; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the recommendation of the Town Building Inspector and adopt the 2020 Building Codes as amended, as outlined on the request;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes and approves the adoption of the 2020 Building Codes as outlined on the request annexed hereto; 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. The board took a poll vote as follows:

Councilman Denbaum - aye	Councilwoman McGlasson – aye
Councilman Huestis - aye	Councilman Ruthven - aye
Supervisor Fleming -aye	
Motion carried unanimously	

Resolution#163 - Approving Settlement of Tax Certiorari Proceeding in the Matter of the Application of Matthew L. Biben & Ellen N. Biben V. Town of Kent

Town Counsel Tagliafiero explained this is a proceeding that has been pending in PC Supreme Court. The petitioners are contesting their assessment. She said several negotiations and court appearances took place, the Assessor agreed that it should be reduced, all came to an agreement.

On a motion by Councilman Ruthven
Seconded by Supervisor Fleming

WHEREAS, the Town of Kent is currently a party respondent in a certain tax certiorari proceeding entitled **MATTHEW BIBEN AND ELLEN BIBEN V. TOWN OF KENT, ET AL**, currently pending in the Supreme Court, State of New York, County of Putnam bearing index number 2019/501214 (the “Proceeding”), and

WHEREAS, Petitioners in this proceeding are contesting the total assessed valuation of premises shown on the Kent Tax Map as Section 10., Block 1, Lot 1 as listed on the 2019 Assessment Roll; and

WHEREAS, a proposed settlement of the Proceeding has been negotiated by and among the Assessor of the Town of Kent, the Kent Town Attorney and Counsel to Petitioner, and the Town Assessor has recommend acceptance and approval of the proposed settlement, the terms of which are set forth in a proposed Consent Judgment, a full and complete copy of which is annexed hereto and hereby made a part hereof; and

WHEREAS, the Assessor of the Town of Kent and the property owner have agreed to settle the Proceeding by reducing the assessed valuation of the subject premises as follows:

Assessment	Original	Reduced	Amount of
<u>Roll Year</u>	<u>Assessment</u>	<u>Assessment</u>	<u>Reduction</u>
2019	1,200,000	958,500	241,500

and,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves and ratifies the settlement of the Proceeding as recommended by the Town Assessor as set forth above; and

BE IT FURTHER RESOLVED, that Jamie Spillane, Esq. of the Firm of Hogan & Rossi, the Kent Town Attorney, or any other member of said Firm, is hereby authorized and directed to sign, on behalf of the Town of Kent, said Consent Judgment in the form annexed hereto or, if hereinafter modified or amended, in such form as may be deemed satisfactory to the Town Attorney.

The board took a poll vote as follows:

Councilman Denbaum - aye	Councilwoman McGlasson – aye
Councilman Huestis - aye	Councilman Ruthven - aye

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Supervisor Fleming -aye
Motion carried unanimously

Resolution #164 – Authorizing Renewal Contract with Springbrook

Supervisor Fleming said this is something that is done every year.

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

WHEREAS, by email dated April 27, 2020, Yulia Kelly, the Town of Kent Director of Finance, forwarded the annual renewal agreement with Springbrook for KVS accounting, payroll and budgeting software; and

WHEREAS, according to Ms. Kelly, the renewal includes software licenses, updates and unlimited technical support, and Ms. Kelly recommends renewal of this service; and

WHEREAS, the Town Board wishes to renew its agreement through February 28, 2021 at the annual cost of \$5,981; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes and approves the renewal agreement with Springbrook for KVS accounting, payroll and budgeting software; 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.

The board took a poll vote as follows:

Councilman Denbaum - aye

Councilwoman McGlasson – aye

Councilman Huestis - aye

Councilman Ruthven - aye

Supervisor Fleming -aye

Motion carried unanimously

Resolution #165 – Setting Continued Public Notice & Hearing for Introductory Local Law #2/2020

Supervisor Fleming said we had convened the Public Hearing on March 3 and adjourned to the March 31st meeting. The board was prohibited from allowing the public to attend that meeting. We now have the means of allowing public comments. The scheduled town board meeting of May 5th was moved to May 12th to allow for publication of the notice of Public Hearing.

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

WHEREAS, on January 21, 2020, an amendment to Kent Town Code to authorize the addition of Code Chapter 68, entitled “Foreclosure of Mortgages and Vacant Property Registration” was introduced as Introductory Local Law # 2 of the year 2020 before the Town Board and a public hearing was scheduled for March 3, 2020, and

WHEREAS, the public hearing on said proposed Amendment was opened on March 3, 2020, at which time the public was heard, and the Town Board held the public hearing over until March 31, 2020 for additional public comment; and

WHEREAS, by Executive Order 202.1 dated March 12, 2020, the Governor of the State of New York temporarily suspended Article 7 of the Public Officers Law, prohibiting the public from attending Town Board meetings and authorizing the holding of such meetings remotely; and

WHEREAS, in response to the Executive Order, the public hearing on this matter was adjourned by the Town Board, with a date to be determined; and

WHEREAS, on April 9, 2020, the Governor issued Executive Order 202.15, adjourning all public hearings scheduled to take place in April or May of 2020 until June 1, 2020, without prejudice, or to have a public hearing prior to June 1 if the convening public body or official is able to hold the public hearing remotely, through use of telephone conference, video conference, and/or other similar service; and

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WHEREAS, the Town Board is able to conduct its public hearings through videoconference which allows the public to attend remotely,

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby reschedules the public hearing on Introductory Local Law No. 2 of 2020 entitled "Foreclosure of Mortgages and Vacant Property Registration" to May 12, 2020 at 7:00 p.m.; and

BE IT FURTHER RESOLVED, that the Town Clerk publish or cause to be published a public notice in the official newspaper of the Town of Kent of said public hearing at least five (5) days prior thereto. The board took a poll vote as follows:

Councilman Denbaum - aye

Councilwoman McGlasson – aye

Councilman Huestis - aye

Councilman Ruthven - aye

Supervisor Fleming -aye

Motion carried unanimously

Resolution #166 –Setting Date for Public Notice & Hearing Lake Carmel Fire Department

Supervisor Fleming explained we were to have a public hearing regarding the contract with the Lake Carmel Fire Department this evening. We did not know at the time if public participation would be permitted and notice was not published. She said the budget was passed, we funded them a third of the contract and proposed to have the hearing on May 12th.

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

Resolved: The public hearing on the Lake Carmel Fire Department Contract be held on May 12, 2020.

The board took a poll vote as follows:

Councilman Denbaum - aye

Councilwoman McGlasson – aye

Councilman Huestis - aye

Councilman Ruthven - aye

Supervisor Fleming -aye

Motion carried unanimously

Resolution 167 - Approval of Vouchers and Claims

On a motion by Councilman Huestis

Seconded by Councilwoman McGlasson

Resolved: All Vouchers #200154678 - #200154826 and claims submitted by:

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1.	Altec Industries, Inc.	\$183,213.00	Bucket Truck
2.	Cemco Water	\$2,104.45	Water District #1 Operations/Samples
3.	City Carting	\$7,373.41	Lake Carmel Garbage
		\$7,471.19	
		\$3,436.17	
		\$10,593.67	
		\$6,457.19	
4.	Custom Bandag, Inc.	\$4,407.37	Tires
5.	Deer Credit, Inc.	\$55,704.85	Lease for Tractors
6.	F.I. Adams, Inc.	\$2,500.00	Property Clean Up
7.	Hogan & Rossi	\$5,416.63	Legal Services: April
8.	Magna5	\$6,474.27	Telephone Service
9.	Millennium Strategies	\$2,500.00	Grant Services: April
10.	NYS Dept of Civil Service	\$204,655.97	Health Insurance: April
11.	NYCOMCO	\$2,846.00	2 Way Radios: Police
12.	NYSEG	\$2,178.09	Electric: Police
		\$3,373.60	Electric: Ryan's Field
13.	NYS Unemployment	\$3,417.66	1 st Quarter 2020
14.	PKF O'Connor Davies	\$27,525.00	Auditor Service
15.	State Comptroller	\$32,760.50	Justice Court: February

In the amount of \$655,025.94 can be paid.

The board took a poll vote as follows:

Councilman Denbaum - aye

Councilwoman McGlasson – aye

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Councilman Huestis - aye
Supervisor Fleming -aye
Motion carried unanimously

Councilman Ruthven - aye

Resolution # 168 – Lake Carmel Park District Advisory Board

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

Resolved: The Town Clerk may advertise for volunteers for the Lake Carmel Park District Advisory Board.

The board took a poll vote as follows:

Councilman Denbaum - aye

Councilwoman McGlasson – aye

Councilman Huestis - aye

Councilman Ruthven - aye

Supervisor Fleming -aye

Motion carried unanimously

Resolution #169 - Trolling Motors Pilot Program Lake Carmel Park District

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

Resolved: Upon the recommendation of the Lake Carmel Park District Advisory Board the Pilot Trolling Motor Program be a permanent program with a fee of \$25.00 with a maximum of 50 permits issued per year.

The board took a poll vote as follows:

Councilman Denbaum - aye

Councilwoman McGlasson – aye

Councilman Huestis - aye

Councilman Ruthven - aye

Supervisor Fleming -aye

Motion carried unanimously

Public Comment

Sue Kotzur, Kent resident stated it was an interesting meeting, she was not sure it would be a great way for the entire population of Kent to participate but it got business going, she said great job. She thanked the town board and Paul the videographer.

Resolution #170 - Adjournment

On a motion by Councilman Huestis

Seconded by Councilwoman McGlasson

Resolved: The meeting adjourned at 8:18 p.m.

The board took a poll vote as follows:

Councilman Denbaum - aye

Councilwoman McGlasson – aye

Councilman Huestis - aye

Councilman Ruthven - aye

Supervisor Fleming -aye

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli
Town Clerk