

Resolution#111 - Open Executive Session

On the motion by Supervisor Fleming

Seconded by Councilman Ruthven

Resolved: Executive session was opened at 6:02 p.m.

Motion carried unanimously

Resolution#112 - Close Executive Session

On the motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

Resolved: Executive session was closed at 6:59 p.m.

Motion carried unanimously

Pledge of Allegiance**Public Hearings****Resolution#113 -Re-open Public Hearing on Mining Moratorium**

On the motion by Supervisor Fleming

Seconded by Councilman Ruthven

Resolved: Public hearing on mining moratorium was re-opened at 7:04 p.m.

Motion carried unanimously

Supervisor Fleming said at the last public hearing there was a suggestion that we make a change in the original form of the mining moratorium so that it would exempt residential activities. She said section 3 the moratorium to exempt permits on residential property. We don't want people who want to put in a pool to be adversely affected by this. Obviously the point of this is much larger removal of soil and rock not a shed. She believes that is the only change to the form that was presented at the last meeting. We held the public hearing open until tonight so that people could send in additional comments she has received no further additional comments. We did have public comment at the original public hearing and everyone that came up to speak supported the town moving forward with the mining moratorium. No one came and spoke out against passing this code section. She asked the board for comments, there were none.

Kathy Doherty, Kent resident asked if mining is not a permitted use in the Town of Kent how do we have a moratorium on mining, if the jurisdiction falls under the DEC how do we prevent them from giving out a permit. She knows that Supervisor Fleming sent an email to the DEC but asked if she CC'd Region 3 and if she asked them to freeze any permits. Supervisor Fleming stated that she did not ask them to freeze permits; they are aware that we are looking into this code section and said there have not been any applications in the town. Mrs. Doherty stated that we know a developer has been speaking to them and they could file that permit at any time. Supervisor Fleming replied that she fully intends to put this up to vote tonight and the board is ready to vote on it. If the moratorium passes tonight she will inform the DEC tomorrow that it passed and ask them to freeze any applications. Mrs. Doherty stated if it is under their jurisdiction are we making a law that we already don't have a permitted use. Councilman Ruthven stated the DEC regulates the mining activity. Our moratorium puts a hold on it under the town code section excavation of sand, gravel, topsoil, rock and other natural materials so we are not going to issue the permit that allows that to happen and which in turn they are not going to issue a permit to regulate the mining activity because we haven't issued a permit to allow that. Town Attorney Nancy Tagliafiero stated while they do regulate mining activities and procedures the Municipalities are still allowed to regulate things that affect health, safety and welfare. That includes things like where you can mine so we allowed to do that. We have a section in our Town Code that requires applicants to get a permit before they can mine anywhere in the town. The moratorium is something that we are able to do for those purposes. Kathy Doherty states it was confusing and asked if the planner is ok with this. The board responds yes. John Neff asked if we do have the vote tonight and it does not pass and in a month's time and the weather gets better they put in to mine and it's approved what would the town board do. You don't want the mining until the code is put in. What would you do if the moratorium does not pass tonight? He is not suggesting that anyone would vote no, he is just giving you an idea if the moratorium doesn't pass what's the consequences? Councilman Denbaum stated if the Moratorium did not pass and someone applied for a permit locally and with the state and they met all the requirements that permit would have to be issued. Mr. Neff stated so the board would not be able to do anything. Councilman Denbaum stated that we would have to abide by our permit process. The State has a permit for certain ways you can mine and we have a permitting process for removing soil

from certain properties and certain amounts. If someone applied for a permit and we did not put a moratorium and they qualified with all the requirements of the permit we could not instruct the building inspector or the planning board to deny the permit based on nothing. This moratorium or the permit process remains available to all who qualify to receive that permit. There were no further comments.

Resolution #114 - Close Public Hearing on Mining Moratorium

On the motion by Councilman Huestis
Seconded by Supervisor Fleming
Resolved: Public hearing on mining moratorium was closed at 7:12 p.m.
Motion carried unanimously

Roll Call:

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

Resolution #115 - Adopt Local Law #1 of 2020 Mining Moratorium

On the motion by Councilman Denbaum
Seconded by Councilman Huestis

WHEREAS, a Local law Establishing a Temporary Land Use Moratorium Prohibiting Mining within the Town of Kent was introduced as Introductory Local Law #1 (the "Local Law") of the year 2020 before the Town Board of the Town of Kent on January 21, 2020; and

WHEREAS, the Local Law determines that adoption of the local law constitutes a Type II action pursuant to the State Quality Environmental Review Act ("SEQRA") and therefore requires no further review under SEQRA;

WHEREAS, the public hearing was opened on February 18, 2020, and continued to March 3, 2020 and the public was invited to attend and be heard on the matter;

NOW THEREFORE, BE IT RESOLVED, that Introductory Local Law #1 of 2020 is hereby enacted by the Town Board of the Town of Kent as Local Law #1 of 2020 of the Town of Kent, and

BE IT FURTHER RESOLVED, that a true copy of the law is attached hereto and made a part hereof.

UPON ROLL CALL VOTE:

Councilman Denbaum: aye, stated he gets excited when the entire town comes out to make us do our jobs and he thinks this was the case with this one. From the beginning the process going back to the fall, everyone has been here at every meeting. Taking time out of their days, away from their families to advocate for something they really care about. He is glad they did it; he is glad they are up here following through and voted yes.

Councilwoman McGlasson: aye, stated but she does not think our work is over yet.

Councilman Huestis: aye

Co Councilman Ruthven: aye, stated we have worked very hard on this. It has been a very important topic to our town. Like Councilwoman McGlasson said this is just one step in a much bigger, longer process and we as town officials have to be vigilant to be sure we don't let time slip by. We need to work actively on this, there is a limited amount of time on this moratorium and we have to do our diligences moving forward.

Supervisor Fleming: stated the public kind of made us look at doing a mining code section and we tried to work on that very quickly and have something good for the public and we presented that and the public said why don't you just take a breath and do a moratorium and people did their homework and they came and they gave us documentation and they gave us sites and they made really cogent presentations appear at the lectern as to why this made sense, as Paul said it is our job, we listened and she wants to thank the public for steering them in this direction and voted yes.

VOTE: RESOLUTION CARRIED BY A VOTE OF 5 TO 0 ABSTAIN 0

TOWN OF KENT LOCAL LAW NO.1 of 2020

**A LOCAL LAW ESTABLISHING A TEMPORARY LAND USE MORATORIUM
PROHIBITING MINING WITHIN THE TOWN OF KENT**

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

Section 1. Legislative Intent.

2019 Building Dept. Report

- Building Permit issued: 325
- Including Plumbing / Gas total – 461
- Certificate of Occupancy – 263
- Certificate of Compliance – 26
- Inspection 908
- Complaints 171
- Title Searches - 249
- ZBA variance applications- 31

2019 Fire Inspector / CEO Report

- Fire Inspector - Nicholas Cecere – Inspection total - 180
- Apartment Inspections – 90 of 115
- Other Inspections - 10
- Complaints – 15
- Burning permits issued – 86 – **Burn ban March 15th**.
- Structure fires - 7
- Violations issued-106
- ZBA-CEO – Bill Looney – Complaints 144 / 19 open cases

2020 Code update

ICC 2018 Building codes NYS Supplements

*** May 12, 2020 ***

New codes coming on a CD ?

Code book cost – \$833.00

On-line version available - must be purchased

2020 Code update

Equipment Access for shutoff Valves, Pumps and Motors on equipment.

Automatic closing device allow on doorway from the garage in home if you have a alarm system.

Fire protection of floor above crawl space – ½ “sheetrock

Habitable Attic – greater than 70 sf. ceiling height of 7” min 6.8

2020 Code update

Building Construction:

Insulation requirement for frost protected on footings

Insulated panel for concrete mass wall and floor slab

Decks will have more metal connectors - beam over post cap, , joist hanger, etc. - prevent uplift for wind loading.

Re-Roofing permits needed – 3 conditions

Water soaked(replacement of plywood and rafters), slate, 2 layers or more.
removal

removed

Water tested (replacement of plywood and rafters) 2 days or more
Re-roofing permits needed - 3 conditions

etc - prevent uplift or wind loading.

Joists will have more metal connectors - beam over past cap - joist hanger
Insulated rafters for concrete mass wall and floor slab
Insulation requirement for foot protected on footings

Building Construction

2020 Code updates

2020 Code update

Water Resistive barrier – Tyvek – Zip system

Chimney insulation shield for factory built chimney required to provide spacing.

U-factor change from 32 to 30 in window insulation factor for new windows

Ductwork sealing now mandatory

Energy Code – Insulation R values, Venting, Fresh Air, Testing, Documentation

Energy Code – Insulation R values, Venting, Fresh Air, Testing, Documentation
Mechanical requiring non mandatory

U-factor change from 0.30 to 0.10 windows insulation factor for new windows
asap

Chimney insulation shield for factory built chimneys required to provide

Water Resisting Barrier – Tank – Zip system

2020 Code updates

2020 Code update

Lighting in new homes needs to be 90% high efficiency from 75%

Dryer vent needs to be 12.5 Sq. Inches

Any exhaust system over 400 cfm need make up air by either direct vent or mechanical draft

Electrical bonding to foundation rebar provided prior to pouring concrete

concrete

Electrical bonding to foundation rebar provided prior to pouring

or mechanical splice

Any exhaust system over 400 cfm must make up air by either direct vent

Direct vent needs to be 15.5 sq. inches

Lighting in new homes needs to be 90% high efficiency from 75%

2020 Code update

2020 Code update

Water pan under gas water heaters

Saddle tap fitting on water distribution piping – is prohibited – ice maker / water line

Sway bracing on drainage piping

2way pricing on quantity buying

discounted - ice maker / water line

3rd party fulfillment or water distribution - is

water from under egg water heaters

3050 code number

Permits needed

Permit needed for Enlargement or Addition
Alterations

Improvements, Removal, Relocation, Full Renovations

Demo of any building or structure

Order of any building or structure

Improvements, Removal, Relocation, Full Renovations

Alterations

Permit needed for Relocation or Addition

Permits Needed

Permits needed cont.

Installation of wood, pellet stoves. Or fireplace inserts

Chimney or Flue work

Addition or Alteration to building systems – HEATING / HVAC. Plumbing/
Gas

Homeowner are NOT allowed to do Electrical/ Gas/ HVAC – Licensed
Contractor with Putnam Co. Lic.

Permit are good for 1 year with two 6 months renewals

Every Permit need to be closed out with a CO

Permit is valid for 12 months from date of issue

Permit is valid for 12 months from date of issue

Contractor with Permit No. 1234

Permit is valid for 12 months from date of issue

1234

Permit is valid for 12 months from date of issue

Permit is valid for 12 months from date of issue

Permit is valid for 12 months from date of issue

Permit is valid for 12 months from date of issue

ATF Permits

Sheds need to meet zoning setback & if larger than 80 sq.ft. (8x10)

If smaller they are allowed in the setbacks with no permit.

Finished Basement 7.0 ft. ceiling height with bedrooms (need two means of egress)

Also Bedrooms need Board of Health approval first

Decks

ATF Permits

Sheds need to meet zoning setback & if larger than 80 sq ft. (8x10)

If smaller they are allowed in the setbacks with no permit

Finished basement with ceiling height with bedrooms (need two means of egress)

Also bedrooms need board of health approval first

Docks

MS4

- 2019 Inspections: Total 24 = Fuel leaks (3), Septic (1), Erosion (20)
- Excavating 100 CY of any material. Dirt, Woodchips Mulch – Permit needed.
- Soil disturbance – 5000 sq. ft. (50' x 100') – Permit needed
- Septic cleaning letters - Envelopes ordered
- Mailing starts March 2020
- 3296 overdue in the system
- 253 due this year

4214

• 5019 Insulation, Total 24 = 1111 lbs (3) Sealed (1) Flashed
(50)

• Excavating 100 CY of any material. But Woodchips March -
Permit needed.

• Soil disturbance 15000 sq ft (50' x 100') - Permit needed

• Sealing stairs March 5020

• Sealing stairs in the system

• 523 que this year

This local law is intended to temporarily prohibit the issuance of permits for the excavation of sand, gravel, topsoil, rock or other natural material within the Town of Kent for a period of up to six (6) months, pending the further development and adoption of local laws and/or ordinances prepared to regulate and govern such excavation.

It is deemed necessary to enact this moratorium in order to permit the Town Board adequate time in which to draft suitable legislation to allow for proper and authorized regulation of mining within the Town of Kent. During the term of the moratorium, the Town of Kent shall work to prepare and eventually adopt additional land use provisions and regulatory processes to provide for the benefit, health and general welfare of the residents of the Town of Kent.

The objective of this moratorium is to allow the Town of Kent to assess and address its Code to promote community planning values by properly regulating such excavation. During the pendency of the moratorium, the Town Board will consider how best to permit excavation in certain areas so as to harmoniously integrate such with the existing community and landscape. Moratoria are useful in controlling or temporarily inhibiting development until satisfactory final regulations are adopted.

For these reasons, the Town Board finds that temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to further develop and adopt necessary zoning and land use changes to the Kent Town Code, thus protecting and furthering the public interest, health and safety.

Section 2. Scope of Moratorium.

There is hereby adopted in the Town of Kent a six (6) month moratorium on the consideration, receipt or grant of temporary permits, pursuant to Chapter 63 of the Town of Kent Town Code entitled "Soil Removal", for the excavation of sand, gravel, topsoil, rock or other natural materials.

During the term of the moratorium, the Town Board intends to develop, consider and adopt changes to its land use local laws so as to regulate Soil Removal and ensure that any mining conducted within the Town is consistent with the terms and goals of the Town's Comprehensive Plan.

While the moratorium is in effect, no applications pursuant to Chapter 63 shall be accepted and no temporary permits issued or approvals given by the Town Board except as authorized pursuant to Section 3, below.

Section 3. Exemptions, Variances and Appeals.

This moratorium is does not apply to residential activities requiring permits on residential properties.

Applications for land use otherwise subject to this moratorium may be exempted from the provisions of this Local Law following a noticed public hearing before the Town Board. It is specifically intended that this moratorium shall supersede New York State law which would otherwise confer variance applications exclusively to the zoning board of appeals.

Following a written request for hardship variance relief, within sixty (60) days of receipt of such request, a noticed public hearing shall be held, at which hearing the Town Board may, but is not limited to consider:

A. The proximity of applicant's premises or the subject of applicant's request for relief to natural resources, including but not limited to prime agricultural soils, wetland areas, conservation districts and other areas of environmental concern.

B. The impact of the proposed application on the applicant's premises and upon the surrounding area.

C. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its effect upon aesthetic resources of the community.

D. Compatibility of the proposed application with the recommendations of any administrative body charged with such review by the Town of Kent.

E. The written opinion of the Town of Kent Planning Board and the Town of Kent Code Enforcement Officer that such application may be jeopardized or made impractical by waiting until the moratorium is expired.

F. Evidence specifying in detail the nature and level of any alleged hardship imposed on the property owner(s) as a result of this moratorium.

G. Such other considerations and issues as may be raised by the Town Board.

In making a determination concerning a proposed exemption or grant of relief from application of the moratorium, the Town Board may obtain and consider reports and information from any source it deems to be helpful with review of said application. A grant of relief from application of the moratorium shall include a determination of unreasonable hardship upon the property owner (or if there are multiple property owners, a determination that each such owner shall suffer an unreasonable hardship) which is unique to the property owner(s), a finding that there are sufficient existing regulations to adequately govern the application for which a hardship waiver is being requested, and a finding that the grant of an exemption will be in harmony with, and will be consistent with the existing Town of Kent Zoning Ordinance and the recommendations of the Comprehensive Plan as such may exist.

An application for relief from the prohibitions of the moratorium shall be accompanied by a fee as set forth by resolution of the Town Board, together with the applicant's written undertaking, in a form to be approved by the Attorney for the Town, to pay all of the expenses of the Town Board and any agent or consultant retained by the Town Board to evaluate and consider the merits of such application, including but not limited to any fees incurred by the Town for services provided by the Attorney for the Town.

Section 4. Penalties.

A. Failure to comply with any of the provisions of this Local Law shall be an unclassified misdemeanor as contemplated by Article 10 and Section 80.05 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of not more than One Thousand Dollars (\$1,000) or imprisonment for not more than 10 days, or both for the first offense. Any subsequent offense within a three-month period shall be punishable by a fine of not more than Two Thousand Dollars (\$2,000) or imprisonment for a period of not more than 30 days, or both. For purposes of this Clause A, each day that a violation of this Local Law exists shall constitute a separate and distinct offense.

B. Compliance with this Local Law may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction, in an action brought on behalf of the Town by the Town Board.

C. In the event the Town is required to take legal action to enforce this Local Law, the violator will be responsible for any and all costs incurred by the Town relative thereto, including but not limited to attorney's fees, and such amount shall be determined and assessed by the court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the property(ies) within the Town on which the violation occurred, by including such expense in the next annual Town tax levy against such property, and such expense shall be a lien upon such property until paid.

Section 5. Application.

The provisions of this local law shall apply to all real property within the Town of Kent, and all applications for the excavation of sand, gravel, topsoil, rock or other natural materials pursuant to Chapter 63 of the Town Code.

Section 6. Conflicts with State Statutes and Local Laws and Authority to Supersede.

To the extent that any provisions of this local law are in conflict with or are construed as inconsistent with the provisions of the New York State Town Law or any local ordinance, law, or regulation, this local law supersedes, amends, and takes precedence over the Town Law and such local ordinances, laws or regulations, pursuant to the Town's municipal home rule powers pursuant to Municipal Home Rule Law § 10 and § 22 to supersede any inconsistent authority. Pursuant to the same powers, and without limiting the generality of the foregoing, this local law supersedes the provisions contained in (a) Article 8 of the Environmental Conservation Law (known as the State Environmental Quality Review Act) and the regulations thereunder to the extent that such provisions require that an agency determine the environmental significance of an application within certain specified timeframes; and (b) Town Law § 267 and § 267-a through c, pertaining to the variance authority of the board of zoning and appeals.

Section 7. Validity and Severability.

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstance, and the Town Board of the Town of Kent hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 8. SEQRA Review.

The adoption of a moratorium constitutes a Type II action under 6 NYCRR Part 617, and therefore requires no further review under the State Environmental Quality Review Act (SEQRA).

Section 8. Effective Date.

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and shall remain in force for a consecutive period of six (6) months from its effective date, unless extended by local law adopted after public hearing upon no less than five (5) days public notice.

Resolution#116 - Open Public Hearing on Foreclosure and Vacant Property Registry

On the motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: Public hearing on Foreclosure and Vacant Property Registry be opened at 7:18 p.m.

Motion carried unanimously

Supervisor Fleming read the public notice for the public hearing and stated this would be local law #2 of 2020. Councilman Huestis thanked his colleagues for moving this process along, along with the help of town counsel and thanked the building inspector, code enforcement officer and the staff at the building department. There are a lot of issues in the community, he read in USA Today that Putnam County is one of two counties in the epicenter where is rest is stabilizing in the State of New York as far as foreclosures. It signals to him there is a problem. One of our adjacent communities got a grant to address some of the problems. As an elected official he is allowed to tap into the registry and to learn there was like 54 abandoned homes verified by the State of New York that we call zombie homes. Out of the 54, 43 were 10512 in the Town of Kent signaling to him there is an issue. When you look at the materials the Town of Kent was not eligible because of certain data and if you want to get a grant you have to have well over 100 homes that are verified vacant homes in our community. We continued to press on; he traveled every road in the Town of Kent and jotted down over 105 or 108 homes that he felt were significant as the definition of vacant and abandoned homes. The Building Inspector visited most of the homes and we were up to 82 of the 105 and there is more out there. We drafted legislation back in August and then we heard about a company called Pro Champs that helps communities electronically. So we worked with them and still believe these zombie homes do so much to your community. They reduce the value of your own homes, they are magnets to crime and he has spoken to Chief Owens on this and many other things deteriorating the community. Pro Champs sent out a letter and we have well over the minimum amount to qualify for extra funding to help the building department. Through Pro Champs and the legislation that we have in front of us we want to start a registry law that there is a fee to hold the banks, the mortgage lenders accountable to make sure those homes are kept better. If you drive around the community you will see unkempt properties that are deteriorating the neighborhoods and it has to stop. It is not just a Lake Carmel issue; it is a Town of Kent

issue. We hope that this legislation is the beginning and that registry law with help. He wants to make sure that as we go through this process that there is a food soldier added onto the building department to help our building inspector. Pro Champs does not set a foot into the Town of Kent, we need a soldier to help the building department. We are looking for possibly a six month registry law, so every six months the banks and lenders have to file and register their particular home. We have had homes vacant for several years and deteriorating and we could have had young couples purchase those homes and live in those homes and pay taxes the issuing being banks won't return phone calls. Banks don't want to show losses so they hold these types of homes as hostage. The Town of Kent needs to step up with a little identity issue. We need our state, county legislatures to help us. When he looked at the whole list of eligible communities the Town of Kent wasn't on there. He has been in touch with the Attorney General's office, the State Department of Financial Affairs. He attended a seminar at Dutchess Community College where we meet with many communities that are having similar issues. He thinks with the registry law and some better data we will be able to address. We have demolished some of these homes already; they were such an eyesore to the community. One we are still in court and it's been many years with some issues. People have rights too but when it starts to impact your community we need to step up. It is very time consuming but many of us locals travel these roads and we see it. LISC which is a state non-profit organization that funds is going to be hearing from us through our grant writer because we are well over 100. He is trying to find where the boundary lines are for zip codes since we have Holmes, Stormville and Hopewell Junction zip codes in the Town of Kent. He hopes to hear from some people tonight as to what you see in your community. When we collect the money for the registration that money goes back to pay for the expenses that we incur.

Supervisor Fleming clarified section, 68-5 Registration in E we originally had a number at the time of the initial registration each registrant would pay a nonrefundable registration fee in the amount set by the town board. We did that because we have found in the past when we had fees built into code sections in was cumbersome to actually revise the fee upon recommendation from our building inspector, code enforcer or any other employee. Under the penalties section 68-16 we have each violation of this chapter should be subject to a fine and we don't define what the fine is. And right under it in the amendments we say it can be defined by resolution. We would be looking to move forward with that as a blank and if this passes on the heels of passing this defined by resolution what the fines and fees would be. Town Counsel agreed 68-16 a can be reworded. Councilman Huestis stated according to Pro Champs there are 253 vacant homes, 129 are foreclosed homes, 74 are potential homes in our town. He hopes adjacent towns will join. Resident Lou Epstein believes there is a Hagstram map that gives a red line to define zip codes. John Christenson from Kentwood Estates wanted to shake Bill's hand and thanked him for putting all this work into this problem. He has the support of Kentwood Estates, his support, and willing to help. John Neff said this is the first he's heard of this it seems you are looking for houses to put into this category and suggested asking the Post Office and Post Carriers for their input. Supervisor Fleming states this is one of the ways Pro-Champs Company, which we are looking to contract with for this registry, determines whether a house should be placed on this list. Councilman Huestis stated he has approached some Kent Police Officers, some past fire chiefs in the Kent fire department, they would know the best, and they live out there. Joseph Covais stated he also lives in Kentwood Estates and believe we need to hold the banks who own these properties accountable for the appearance of these houses especially on Whangtown Rd., the houses are terrible. He brought to the attention of the board photographs that he has taken of a barn blown over and its debris. He said the home on Tiger Trail is so bad it should be torn down he asked doesn't this town have laws it is so dangerous. Supervisor Fleming said this company Pro-Champs they only are paid part of the registration fee and they gave us references of a number of other Towns that use this service. One of the references they gave us told her that they spent a lot of time trying to chase the Banks to do maintenance and follow up. Pro-Champs deals with all of these banks on a regular basis they are a nationwide company they deal with them electronically and get a response. The Towns that she checked with that use this service say it is a blessing and it frees up their building inspector, code enforcer from doing this kind of administrative tasks. It is not going to cost us anything and I hope that we will see a real difference using this company. Councilman Paul Denbaum answers we do have laws and we have torn houses down that have posed a threat. If you have one in your neighborhood please give us an address and we will have the building inspector go out to make a determination on that. As far as the barn the Town is in litigation and we cannot speak to it but the town is addressing it and it is in the courts. Kathy Doherty stated she has a house behind her that Bill Looney has been at 100 times the bank foreclosed on it and yet there are people still living in there. A lot of foreclosures from the bank still have people living in them. The septic has not been pumped in twenty years.

Councilman Denbaum stated the two things this law will accomplish, one, it will be able to identify the houses officially so we can enforce our laws. Now we get a home on the registry, we can cross

reference that and see if the septic has been pumped. If not we can issue a violation and start moving forward. A second thing is to split up the registration fee, one for an owner occupied homes and a higher registration fee for non-owner occupied homes which would mostly be the banks. A fee that would hurt because we do not want non owner occupied vacant homes in the Town of Kent. We can charge the owners and the banks fees and this will be a deterrent. That should move the banks to push the properties because maybe it will cost them an extra \$5,000 a year to just hold this and now all of sudden the math start changes. I think this will go a long way and I cannot thank Bill enough for continuing this effort. Supervisor Fleming suggests we put this over till the next Board meeting so we can take comment, I think then we should have a vote on the law at the next town board meeting and discuss fees at the same time. I think your point is well taken regarding vacant bank owned homes. Town Attorney Tagliafierro states there are actually two separate categories one is the foreclosures and the other is vacant homes. Bill Walters Building Inspector said most people have seen him in your neighborhoods looking at vacant properties. He looked at 108 houses and found 82 actually vacant. He does have a database and when he spoke to the company they told us there is 230, he had no idea. I would like the residents to please give us a call 845/225-3900 and tell us where it is and we will come out and look at it, if it is not on our database we will put it on. There were no further comments.

Resolution#117 - Adjourn Public Hearing on Foreclosure and Vacant Property Registry

On the motion by Supervisor Fleming

Seconded by Councilman Ruthven

Resolved: Public hearing on foreclosure and vacant property registry is adjourned to the next town board meeting on March 31, 2020.

Motion carried unanimously

Workshop

Town Board discussed all the items on the workshop agenda. . To see what transpired at the workshop meeting please see Videos on Demand on the Town's website. www.townofkentny.com

Public Comment:

Resident Lou Epstein expressed his discontent with the Highway Department. He said they have been removing trees on both sides of Miller Hill Road, many are historic.

Toni Addonizio, Putnam County Legislature was glad to be in attendance tonight as her meeting did not take place due to the legislature beings away at a conference. She said they are calling upon Governor Cuomo to continue the funding of our Peer to Peer Program in Putnam County. The funding has been eliminated this year we are sending a message that they continue the funding. This program has helped so many people; it was created in 2012 and currently in 23 Counties in the US. Thru this program, our Vets are receiving help from their peers Veterans are suffering from PTSD. This program has been very successful in saving lives from suicide and drug abuse. She gave an update on Hope not Handcuffs Program that is currently in Putnam County. She said they had their first person seeking help from Kent come forward to the Town of Kent Police Department. This program combines law enforcement and the community together, working as one to help those people who are struggling with addictions. What happens is that they call upon an Angel and they meet the person at the police department and there will be a book which will contain different rehabs that they can go to. It has been very successful and I think we need to so show compassion to those in need of seeking help. Councilman Chris Ruthven offers his support for the Peer-to-Peer Program, Vet program; he hopes they continue to fund it. In addition, he asked if on the County level has there been any resolution to ease the Bail Reform program. Ms. Addonizio replies yes absolutely, the DA has spoken with them; unfortunately, it is up to NYS for them to change their minds. Councilman Denbaum asked if NYS does not fund Peer to Peer will Putnam County chip in to fund it. Ms. Addonizio said they will see this is not the first time they have defunded the program, but Putnam supports the Veterans and we hope they will reinstate the funding. Councilman Huestis said it is very important and we have to keep the pressure on. It all comes down to the local taxpayer and unfunded mandates which impacts us. He hopes they do not put those tolls on 84 in Connecticut. Ms. Addonizio states that 70% of the Putnam County budget is unfunded mandates. Supervisor Fleming adds that the Vet-to-Vet program is an amazing program and we have to give credit to John Bourges who spear headed it. In regards to Hope not Handcuffs you said the first person to use it was in Kent and there was a kick off ceremony on the courthouse steps. Chief Owens said we did launch this in November one person has come forward and have had other inquires. Some people were a little nervous about what was going to happen. We encourage people to come forward and we always try to help people in the Town of Kent. The Sheriffs departments, Carmel PD are all willing to help

people. We have a heroin epidemic crisis if we could help anyone, you can call or stop by there is no commitment.

Councilman Huestis express concern about the telephone scam of those acting as police officers. He wanted everyone to be aware of them.

Henry Boyd announced that Youth Art Month sponsored by the Carmel Kent Chamber of Commerce is on view in the lobby at Town Hall and in the Kent Library. He said there is so much talent amongst our children.

Resolution#118 - Approve Budget Transfers Fiscal Year 2020

On the motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

WHEREAS, the Director of Finance has recommended certain budgetary amendments to the 2020 Budget in order to adjust appropriations in the Finance Department, the Highway Department, the Lake Carmel Park District, and the Lake Carmel Sanitation Department, as set forth in the summary annexed hereto and incorporated herein by reference; and

WHEREAS, the Director of Finance advises that the proposed transfers will have the fiscal impact as outlined on the annexed summary and the Town Board wishes to accept the recommendations of the Director of Finance;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the recommendations of the Director of Finance and authorizes the budget transfers as set forth on the annexed summary.

Motion carried unanimously

Resolution#119 - Authorize Correction of Violation, Acceptance of Proposal, And Charge to Property Owner TM # 22.66-2-10

On the motion by Councilman Denbaum

Seconded by Supervisor Fleming

WHEREAS, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation dated January 22, 2020 (the "Order to Remedy") directing the owner to remove rubbish from the exterior of the property identified as 15 Chatham Road, Kent, New York, Tax Map No. 22.66-2-10 (the "Property"); and

WHEREAS, the Order to Remedy requires 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; 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 \$2,500, 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 \$2,500; 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#120 - Authorize Town Clerk to Advertise For Zoning Board of Appeals Applicants

On the motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

WHEREAS, the Town Board of the Town of Kent is seeking to fill vacancies on the Zoning Board of Appeals; and

WHEREAS, the Town Board of the Town of Kent wishes to advertise for applicants for the Zoning Board of Appeals; 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 applicants to the Town of Kent Zoning Board of Appeals.

Resolution#121 - Add Advertise for Seasonal Employees for Recreation and Parks Department to the Agenda

On the motion by Councilwoman McGlasson

1. WHEREAS, the Finance Department has requested a budgetary transfer to cover under budgeted expenses, and now therefore be it RESOLVED that the following budgetary transfers be made:

Increase Appropriation			
A.1010.400	Legislature - Contractual	\$ 402.00	
A.1010.801	Legislature - Retirement	\$ 606.00	(new board member)
A.1110.550	Municipal Court - Pmt made NYS	\$ 66,036.00	(Increase Rev)
A.1110.802	Municipal Court - Hospital/Medical	\$ 2,517.00	(buyout)
A.1220.400	Supervisor - Hospital/Medical	\$ 2,400.00	(buyout)
A.1220.803	Supervisor - FICA	\$ 512.00	
A.1310.100	Finance - Personal Services	\$ 11.00	
A.1310.400	Finance - Contractual	\$ 5,990.00	(BAN issuance costs)
A.1310.802	Finance - Hospital/Medical	\$ 3,237.00	(buyout)
A.1330.400	Tax Collection - Contractual	\$ 5,739.00	(New tax collection software)
A.1355.801	Assessment - Retirement	\$ 1,508.00	(NYSLRS - year behind)
A.1355.802	Assessment - Hospital/Medical	\$ 4,200.00	(Buyout)
A.1410.100	Town Clerk - Personal Services	\$ 757.00	
A.1410.803	Town Clerk - FICA	\$ 46.00	
A.1420.400	Law - Contractual	\$ 19,397.00	(Out of retainer legal fees)
A.1430.400	Personnel - Contractual	\$ 1,073.00	(Partners in Safety - higher than usual)
A.1620.102	Buildings - Operations & Maint - Payroll	\$ 2,972.00	(Snow/ice)
A.1620.140	Buildings - Operations & Maint - OT	\$ 10,715.00	(Snow/ice)
A.1620.400	Buildings - Operations & Maint - Contractual	\$ 70,129.00	(a)
A.1620.403	Buildings - Operations & Maint - Gas	\$ 208.00	2,300 T.Boalt(sidewalk)
A.1620.404	Buildings - Auto Repair	\$ 1,776.00	5,823 Cemco(autoflush valve)
A.1620.803	Buildings - Operations & Maint - FICA	\$ 802.00	27,700 Generator - Smokey Hollow
A.1640.140	Central Garage - OT	\$ 624.00	3,440 Liebler(countertops at TH)
A.1640.200	Central Garage - Equipment	\$ 2,066.00	23,000 New Phone System/Firewalls
A.1640.400	Central Garage - Contractual	\$ 48,195.00	
A.1640.801	Central Garage - Retirement	\$ 6,854.00	
A.1650.400	Central Communications - Contractual	\$ 800.00	(New website - \$800)
A.1670.400	Central Printing& Mailing - Contractual	\$ 4,343.00	(higher mail - tax bill re-print)
A.3120.101	Police - Police Payroll	\$ 59,169.00	(settlement)
A.3120.120	Police - Dispatchers Payroll	\$ 16,023.00	
A.3120.121	Police - Dispatchers Overtime	\$ 2,214.00	
A.3120.140	Police - Police OT	\$ 4,565.00	
A.3120.400	Police - Contractual	\$ 2,513.00	(Goosetown)
A.3120.405	Police - Telephone	\$ 41.00	
A.3120.410	Police - Radio contract	\$ 793.00	
A.3120.414	Police - New Issue Uniforms	\$ 1,295.00	(new PO uniforms)
A.3120.417	Police - IT Services	\$ 573.00	
A.3120.418	Police - Clothing Dispatcher	\$ 325.00	
A.3120.419	Police - Mobiletech software	\$ 1,594.00	
A.3120.801	Police - Retirement	\$ 15,642.00	
A.3120.803	Police - FICA	\$ 1,068.00	
A.3310.400	Traffic Control - Contractual	\$ 3,687.00	
A.3410.400	Fire Protection - Contractual	\$ 331.00	
A.3510.400	Control of Dogs - Contractual	\$ 11,068.00	(\$12009 Northwind Kennels)
A.3620.100	Safety Inspection - Personal Services	\$ 4,077.00	(Temp)
A.3989.400	Other Public Safety - Contractual	\$ 38,495.00	(Code enf viols, recovered through taxes)
A.4020.100	Registrar of Vital Stats - Personal Services	\$ 31.00	
A.5010.803	Highway and Street Admin - FICA	\$ 179.00	
A.7020.403	Recreation Admin - Gas	\$ 152.00	
A.7020.407	Recreation Admin - office	\$ 773.00	
A.7110.100	Parks - Personal Services	\$ 2,504.00	
A.7110.140	Parks - OT	\$ 1,230.00	
A.7110.200	Parks - Equipment	\$ 32,267.00	(\$33946 2019 RAM 3500)
A.7110.404	Parks - Auto Repair	\$ 4,449.00	
A.7110.801	Parks - Retirement	\$ 1,468.00	
A.7310.451	Recreation - Youth - Baseball	\$ 1,837.00	(program grew)
A.7310.462	Recreation - Youth - Basketball	\$ 1,414.00	(program grew)
A.7310.480	Recreation - Youth - Special events	\$ 957.00	(some new spec events)
A.7310.485	Recreation - Youth - Fall Soccer	\$ 315.00	
A.7510.400	Historian - Contractual	\$ 624.00	(paved lot)
A.8020.100	Planning - Personal Services	\$ 26.00	
A.8020.400	Planning - Contractual	\$ 15,463.00	

A.8020.803	Planning - FICA	\$	1.00	
A.8100.400	Stormwater Contractual	\$	1,758.00	
A.8160.400	Landfill - Contractual	\$	30,022.00	(Grinder and Excavator)
A.8161.400	Recycling - Contractual	\$	7,635.00	
A.8161.403	Recycling - Gas	\$	12.00	
A.8668.400	Grant Writer	\$	5,000.00	
A.8810.400	Cemeteries - Contractual	\$	14,212.00	(Partially reimbursed by County)
A.9901.900	Transfer to Other funds - Highway	\$	168,318.00	(cover 2014 Freight Liner and snow OT)
A.9950.900	Transfer to Capital Projects Fund	\$	2,200.00	(Library steps - higher than planned)
		\$	<u>720,235.00</u>	

Decrease Appropriation

A.1220.400	Supervisor - Contractual	\$	(512.00)	
A.1310.803	Finance - FICA	\$	(11.00)	
A.1355.400	Assessment - Contractual	\$	(5,708.00)	
A.1410.802	Town Clerk - Retirement	\$	(803.00)	
A.1420.401	Law - Prosecutor	\$	(19,397.00)	
A.1640.100	Central Garage - Personal Services	\$	(2,478.00)	
A.1640.802	Central Garage - Hosp/Medical	\$	(7,066.00)	
A.1910.431	Unallocated Insurance	\$	(30,158.00)	
A.1930.428	Judgement&Claims - Tax Certs	\$	(10,000.00)	
A.1989.400	Town Code - Contractual	\$	(1,900.00)	
A.1990.100	Contingencies - Personal Services	\$	(91,804.00)	
A.3120.150	Police - Sick payout	\$	(3,164.00)	
A.3120.802	Police - Hosp/Med Police	\$	(36,375.00)	
A.3410.803	Fire Protection - FICA	\$	(331.00)	
A.3410.100	Fire Protection - Personal Services	\$	(4,565.00)	
A.3510.100	Control of Dogs - Personal Services	\$	(6,503.00)	
A.3620.400	Safety Inspection - Contractual	\$	(2,002.00)	
A.3620.802	Safety Inspection - Hosp/Medical	\$	(635.00)	
A.3620.421	Safety Inspection - BAS Contractual	\$	(1,440.00)	
A.5132.400	Garage - Contractual	\$	(3,866.00)	
A.7020.801	Recreation Administration - Retirement	\$	(925.00)	
A.7110.102	Parks - Seasonal Payroll	\$	(9,475.00)	
A.7110.150	Parks - Sick Payout	\$	(176.00)	
A.7310.457	Youth Programs - Girls Softball	\$	(2,012.00)	
A.7310.484	Youth Programs - School Facility Fee	\$	(2,511.00)	
A.7410.801	Library - Retirement	\$	(4,502.00)	
A.9040.804	Workers Comp	\$	(9,177.00)	
A.9050.810	Unemployment Insurance	\$	(1,800.00)	
A.9060.802	Hospital Medical Ins	\$	(24,214.00)	
A.9089.811	Other benefits	\$	(1,500.00)	

\$ (285,010.00)

Increase Revenue

A.2401	Interest Income	\$	49,438.00	
A.2610.550	Fines and Forfeited Bail - Justice Court	\$	66,036.00	
A.2770	County Reimb for Cemetery Mowing	\$	6,853.00	(check rec'd in 2020, accr at 12/31/2019)
A.1570	Charges Demolition Code Violations	\$	36,445.00	(2020 tax warrant, accr at 12/31/2019)
		\$	<u>158,772.00</u>	

Increase Appropriated Fund Balance

	New Tax Receiver Software - 2nd Installment	\$	5,739.00	
	Various one-time projects	\$	70,129.00	(detailed above - bldg contractual)
	Parks Truck 2019 RAM3500	\$	32,267.00	
	Transfer to HWY - cover Storms clean-ups	\$	168,318.00	
		\$	<u>276,453.00</u>	

2019 Fiscal impact increase \$ 435,225.00

2. WHEREAS, Highway Department has requested a budgetary transfer to cover under budgeted expenses, and now therefore be it RESOLVED that the following budgetary transfers be made:

Increase Appropriation

DA.1980.400	MTA Tax	\$	396.00	
DA.5110.140	Highway - Maintenance of Rds Overtime	\$	16,710.00	(retro)
DA.5110.400	Highway - Maintenance of Rds Contractual	\$	2,658.00	
DA.5110.802	Highway - Hospital/Medical	\$	7,200.00	
DA.5110.803	Highway - FICA	\$	572.00	

DA.5130.200	Highway - Equipment	\$	74,853.00	(unbudgeted equip 2014 Freightliner)
DA.5130.403	Machinery - Gas	\$	18,007.00	
DA.5130.430	Machinery Insurance - Vehicle	\$	9,738.00	(new equipment)
DA.5142.100	Snow removal - Personal Services	\$	113,400.00	(contractual plus snow OT)
DA.5142.140	Snow removal - OT	\$	43,350.00	
DA.5142.400	Snow removal - Contractual	\$	80,217.00	
DA.5142.803	Snow removal - FICA	\$	10,657.00	
		\$	377,758.00	
Decrease Appropriation				
DA.1990.100	Contingency	\$	(28,677.00)	
DA.5110.100	Maintenance of Roads - Personal Services	\$	(3,700.00)	
DA.5110.401	Maintenance of Roads - Training	\$	(2,346.00)	
DA.5130.400	Machinery - Contractual	\$	(41,070.00)	
DA.5130.404	Machinery - Auto repair	\$	(2,177.00)	
DA.5130.405	Machinery - Sweeper	\$	(15,000.00)	
DA.5140.400	Brush Contractual	\$	(5,810.00)	
DA.5142.403	Snow Removal - Gas	\$	(2,603.00)	
DA.9010.801	Retirement	\$	(6,801.00)	
DA.9040.804	Workers Comp	\$	(9,664.00)	
DA.9050.810	Unemployment Ins	\$	(1,000.00)	
DA.9055.805	Disability Insurance	\$	(506.00)	
DA.9060.802	Hospital/Medical Insurance	\$	(48,746.00)	
DA.9070.807	Welfare Benefit Fund	\$	(570.00)	
DA.9710.700	Serial Bond - Interest	\$	(24,000.00)	
		\$	(192,670.00)	
Increase Revenue				
DA.2665	Sale of Equipment	\$	11,415.00	
DA.2770	Unclassified Revenues	\$	5,355.00	
DA.5031	Interfund transfers - General Fund	\$	168,318.00	\$70,000 unbudgeted equip - Freightliner
		\$	185,088.00	\$100,000 snow OT

2019 Fiscal impact increase \$ 185,088.00

3. WHEREAS, Lake Carmel Park District has requested a budgetary transfer to cover under budgeted expenses, and now therefore be it RESOLVED that the following budgetary transfers be made:

Increase Appropriation				
SP1.7110.140	Parks - Overtime	\$	256.00	
SP1.7110.422	Parks - Tree Removal	\$	15,200.00	(Tree removal)
SP1.7110.438	Parks - LC Dam Engineeing	\$	3,475.00	(Non-budgeted costs)
SP1.7110.508	Parks - Arbor Day Grant Exp	\$	1,032.00	(Covered by a grant)
SP1.7140.400	LC Community Center contractual	\$	2,877.00	(\$3200 pest control)
SP1.7140.431	LC Community Center - Insurance/Other	\$	512.00	
SP1.7141.400	LC - 640 Rt 52 Contractual	\$	49.00	
SP1.9010.801	Retirement	\$	2,376.00	
SP1.9785.600	Lease Principal	\$	18,165.00	
SP1.9785.700	Lease Interest	\$	2,784.00	
		\$	46,726.00	
Decrease Appropriation				
SP1.1990.100	Contingency	\$	(4,561.00)	
SP1.7110.100	Parks - Personal Services	\$	(19,936.00)	
SP1.7110.102	Parks - Summer Payroll	\$	(5,192.00)	
SP1.9060.802	Hosp Medical Ins	\$	(17,037.00)	
		\$	(46,726.00)	

2019 Fiscal impact \$ -

4. WHEREAS, Lake Tibet Park District has requested a budgetary transfer to cover under budgeted expenses, and now therefore be it RESOLVED that the following budgetary transfers be made:

Increase Appropriation				
SP2.7110.400	Parks - Contractual	\$	35,922.00	
Increase Appropriated Fund Balance				
		\$	35,922.00	

2019 Fiscal impact \$ 35,922.00

5. WHEREAS, Lake Carmel Sanitation Department has requested a budgetary transfer to cover under budgeted expenses, and now therefore be it RESOLVED that the following budgetary transfers be made:

Increase Appropriation		
SR.8160.100	Refuse&Garbage - Personal Services	\$ 21,588.00 (retro and subs)
SR.8160.400	Refuse&Garbage - Contractual	\$ 56,124.00 (Much higher dump fees)
SR.8160.403	Refuse&Garbage - Gas	\$ 2,674.00
SR.9010.801	NYS Retirement	\$ 11,952.00
		\$ 92,338.00
Decrease Appropriation		
SR.1990.100	Contingency	\$ (14,390.00)
SR.8160.140	Refuse&Garbage - OT	\$ (2,881.00)
SR.8160.404	Refuse&Garbage - Auto Repair	\$ (16,903.00)
SR.8160.431	Refuse&Garbage - Insurance	\$ (1,790.00)
SR.8160.803	Refuse&Garbage - FICA	\$ (235.00)
SR.9040.804	Workers Comp	\$ (5,699.00)
SR.9060.802	Hosp Medical Ins	\$ (26,315.00)
		\$ (68,213.00)

Increase Appropriated Fund Balance \$ 24,125.00

2019 Fiscal impact \$ 24,125.00

6. WHEREAS, Water District 2 has requested a budgetary transfer to cover emergency repairs, and now therefore be it RESOLVED that the following budgetary transfers be made:

Increase Appropriation	
SW2.8340.400	Contractual
	\$ 3,963.00

Increase Appropriated Fund Balance \$ 3,963.00

2019 Fiscal impact \$ 3,963.00



CODE ENFORCEMENT

4.

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

February 26, 2020

**From: Zoning Enforcement Officer, Town of Kent:
To: Supervisor Fleming, Town board members, Town of Kent:
Subject: Violations 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.**

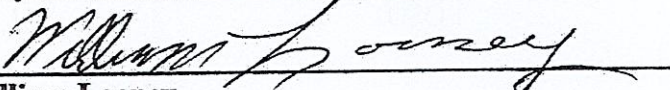
Locations requiring correction and bids for site:

15 Chatham Road.

FI Adams Inc.	\$2,5000.00
Rohna Landscapping Inc.	Failed to submit a bid.
Dirt and Demo Inc.	Failed to submit a bid

Notices of Violation and bids are enclosed.

For your consideration and approval.


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

610 Route 292
Holmes, NY 12531 Fiadamsinc@gmail.com
(845)-855-3733 (914)760-8959

FI Adams, Inc.

Estimate

For: Town Of Kent Billy Looney
kentcodes@gmail.com
15 Chatham Road

Estimate No: 314
Date: 02/12/2020

Description	Quantity	Rate	Amount
Remove the garbage from the supplied pictures only at 15 Chatham road, lake Carmel.	1	\$2,500.00	\$2,500.00
Subtotal			\$2,500.00
TAX 0%			\$0.00
Total			\$2,500.00
Total		\$2,500.00	

Seconded by Councilman Denbaum
Resolved: Advertise for seasonal employees for Recreation and Parks Department be added to agenda.
Motion carried unanimously

Resolution#122 - Authorize Town Clerk to Advertise for Seasonal Employees for Recreation and Parks Department

On the motion by Councilwoman McGlasson
Seconded by Supervisor Fleming
Resolved: WHEREAS, the Town of Kent is seeking to fill the positions of Seasonal Employee for the Recreation and Parks Department; and
WHEREAS, the Town of Kent wishes to advertise for applications to fill said positions; 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 the positions of Seasonal Employee for the Recreation and Parks Department.
Motion carried unanimously

Resolution#123 - Add Advertise for the Positions of Lifeguard Supervisor, Head Lifeguard, Waterfront Lifeguards and Seasonal Park Maintenance Workers for Lake Carmel Park District to the Agenda

On the motion by Councilman Ruthven
Seconded by Supervisor Fleming
Resolved: Advertise for the positions for lifeguard supervisor, head lifeguard, waterfront lifeguards and seasonal park maintenance workers for Lake Carmel Park District be added to the agenda.
Motion carried unanimously

Resolution#124 - Authorize Town Clerk to Advertise For the Positions of Lifeguard Supervisor, Head Lifeguard, Waterfront Lifeguards and Seasonal Park Maintenance Workers for the Lake Carmel Park District

On the motion by Councilman Ruthven
Seconded by Councilwoman McGlasson
WHEREAS, the Town of Kent is seeking to fill the summer positions of Lifeguard Supervisor, Head Lifeguard, Waterfront Lifeguards and Seasonal Park Maintenance Workers for the Lake Carmel Park District; and
WHEREAS, the Town of Kent wishes to advertise for applications to fill said positions; 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 the positions of Lifeguard Supervisor, Head Lifeguard, Waterfront Lifeguards and Seasonal Park Maintenance Workers for the Lake Carmel Park District.
Motion carried unanimously

Resolution# 125 - Approval of Vouchers and Claims

On the motion by Councilman Huestis
Seconded by Councilman Ruthven
Resolved: Voucher #200154118-200154290 in the amount of \$151,317.99 and the following claims be approved for payment.

**MARCH 3, 2020
2019 VOUCHERS**

1. Amchar Wholesale	\$2,005.80	Rifles
2. Northeast Generator	\$2,271.16	Generator Service
3. Town of Kent Municipal Repairs	\$7,525.98	Chargebacks: Sanitation Oct
	\$2,025.80	Chargebacks: Sanitation Sept
	\$2,511.17	Chargebacks: Sanitation Aug
	\$6,775.85	Chargebacks: Sanitation July

2020 VOUCHERS

1. Barney Zipkin Tree Service	\$8,600.00	Tree Work
2. Beacon Recycling	\$4,299.33	Lake Carmel Recycling
3. Carmel Central School District	\$3,030.00	Gym Use
4. Chemung Supply	\$9,125.00	Frame and Grates
5. City Carting	\$10,781.09	Lake Carmel Garbage
	\$5,201.59	
6. Danbury Auto Spring & Welding	\$5,060.92	Truck Repair
7. DiBella Electric	\$3,000.00	Replace Lamps: Highway
8. Gabrielli	\$6,694.46	Truck Parts
9. Goosetown Communications	\$24,300.00	Radio Equipment

10. Hogan & Rossi	\$5,416.63	Legal Services: March
11. Jim Liebler, Inc.	\$3,560.00	Framing: Garage
12. Medicare Reimbursements	\$27,105.60	1 st Quarter
13. Millennium Strategies	\$2,500.00	February Grant Services
14. Purchase Power	\$2,000.00	Postage
15. Robert Green Truck	\$42,125.50	2019 Ram
16. Royal Carting	\$3,925.57	Recycling Garbage
17. State Comptroller	\$45,973.00	Justice Court Fines: January
Motion carried unanimously		

Public Comment:

Kathy Doherty stated she attended a town board meeting on January 21st she said the board came out of executive session and made a reference to a litigation. Because of the bad acoustics she thought they said they were entering into litigation. She reviewed the video on demand and the minutes online and was surprised to read the minutes taken by the town attorney in executive session was about Merritt Construction. It states in the minutes there was a motion by Councilman Denbaum and seconded by Supervisor Fleming. It states the supervisor is authorized to execute any and all documentations necessary to settle the Merritt litigation for a sum not to exceed \$125,000 and to present the stipulation to the town board once received in a form approved by the town attorney. One year ago March 19, 2019 at the town board meeting she had asked if this law suit had been paid and Town Counsel replied yes, a resolution was not given and money was taken to satisfy a judgment. When she asked about the Sherriff's Department garnishing the town's funds because the town had not paid the lost lawsuit with Merritt. This cost the sewer district taxpayers approximately \$121,000 in interest. Councilman Denbaum said it was a post judgment procedure. As a taxpayer she would like to know the truth as to what is really going on and why it was not read into the reading of vouchers and claims. Supervisor Fleming stated that we had a \$136,000 voucher for retainer on Merritt Construction that had not been signed off by the engineer. We had a lot of problems with that poorly written contract and there were so many change orders it was ridiculous. But the retainer comes at the end of the contract and we did not pay the retainer because we had some issues. Merritt took us to court for the retainer and we ended up settling a \$136,000 retainer which was owed on the contract for \$125,000. So we saved over \$11,000. Mrs. Doherty asked why did they garnish it last year and she was told everything was settled and it was paid. Why a year later? Supervisor Fleming stated retainer was not part of the change order. Retainer was totally separate. Mrs. Doherty asked why it wasn't read out loud. Why wasn't it read aloud when you came out of executive session? When you review the minutes you say you came out of executive session for litigation and we accepted the offer, can we stand for the pledge. That's what was said. And then last month it was on the vouchers and claims and it wasn't read out loud. Supervisor Fleming stated because it was a settlement it wasn't the voucher. The voucher was \$136,000. Mrs. Doherty asked then why wasn't it read the minutes from the executive session when you came out. Why was it we just settled litigation? It's not open government. Her other question is, is it true that the retention pond in Lake Carmel on Montrose Road has contaminated soil? No one can answer that? You are affecting our lake, it's a health hazard. Supervisor Fleming stated we didn't do it. Councilman Denbaum replied he hasn't heard of it having any contamination and he would check. Councilman Ruthven stated this is an East of Hudson project not a Town of Kent project we are the property owners. There is a stop work order there and we are in negotiations with East of Hudson to try and figure out what is going on. Mrs. Doherty stated supposedly it's contaminated soil and half covered because she drove by. Councilman Ruthven stated they are in discussion with East of Hudson to try and make sure they finish their project. There could be stuff that we should not discuss here at this time. Mrs. Doherty stated that she's talking about, it's her lake and she's a taxpayer. Supervisor Fleming stated we are in negotiation and in talks with East of Hudson. Susan Kotzur stated Councilman Ruthven mentioned earlier that something is happening at the legislative meeting, do you want to elaborate on that? Councilman Ruthven replied she probably knows more than him, he heard she was there. He said he doesn't have a whole lot to add but he thinks our constituents should be made aware as to why we were at the legislative before we went to the legislative. He didn't know they were going to the legislative and if we are going to put something out to the public it should be done at this meeting and not at a legislative meeting. He asked the supervisor to bring the subject up at the next meeting; we need to discuss this publicly. He thinks we should have a presentation so that people aren't learning it through the grapevine. Mrs. Kotzur thanked him for bringing it up.

Resolution#126 - Adjourn to Executive Session

On the motion by Councilman Huestis
Seconded by Councilwoman McGlasson
Resolved: Town board adjourned to executive session at 9:20 p.m.
Motion carried unanimously

Resolution#127 - Adjourn Executive Session/Town Board Meeting

On the motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

Resolved: Executive Session/Town Board meeting was adjourned at 10:08 p.m. and no votes were taken during executive session.

Motion carried unanimously

Respectfully Submitted:

Lauren Louderback
Deputy Town Clerk

