

## TOWN BOARD MEETING/WORKSHOP MARCH 5, 2019

A regular Town Board meeting was held at the Kent Town Hall, 25 Sybil's Crossing, Kent Lakes, New York 10512.

### **RESOLUTION #133- ADJOURN TO EXECUTIVE SESSION**

On a motion by Supervisor Fleming

Seconded by Councilman Ruthven

Resolved: The town board adjourned to executive session at 6:21 p.m. to discuss collective negotiations pursuant to article fourteen of the civil service law; and pending litigation.

Motion carried unanimously

### **RESOLUTION #134 - ADJOURN EXECUTIVE SESSION**

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

Resolved: The town board adjourned executive session at 6:59 p.m. no votes were taken.

Motion carried unanimously

### **PLEDGE OF ALLEGIANCE**

Supervisor Fleming called the Workshop Meeting to order with the Salute to the Flag.

### **WORKSHOP MEETING**

The Board discussed and reviewed all 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.gov](http://www.townofkentny.gov).

### **PUBLIC COMMENT**

A resident from Pinwood Court in South Lake asked Highway Superintendent, about two trees on South Lake Rd that came down and are still there. He asked about the bridge that was rebuilt on Kentwood Drive in South Lake. There is no weight limit sign installed. Highway Superintendent replied there no longer a weight limit requirement on the bridge.

He asked Councilman Denbaum if NYC and DEP do not pay taxes. Councilman Denbaum responded some properties like East Boyds Reservoir. He questioned all the land they purchased around the Town of Kent they pay no taxes at all. Councilman Denbaum said he would check at the county some of it is special and some not this may be one of those that they don't pay tax on.

The resident spoke about the school district continuing to beat the drum. The property they want to buy will take almost \$95,000 off of the tax role for 22 acres, \$66,000 of it is their own money, has anybody on this board done or said anything? Supervisor Fleming said Councilman Huestis and she have met with members of the school board and talked about this project. She said at a shared services meeting it was discussed sharing the County's transportation garage in Patterson. Councilman Huestis said it is our future economic indicator to help us and doesn't take a scientist to know it the property taxes our residents are paying for lack of a commercial district. He would like to get that commercial district from Bowen Road to the County line as a special business district. He heard there is a 20% decline in the student population. He said anything that goes up in that business district, who gains the most? The school district, they get 70% of the tax's paid. He said the County is buying land for a truck wash. The State will give money to municipalities for shared services. He hopes business is attracted there as well as Route 311, developers are looking at us. He understands where he is coming from and is concerned about seeing some commercial growth to hold taxes down. Councilman Paul Denbaum said he stood in front of the school board just a year or two ago discussing the removal of their own trustee. He just got a ten page flyer in the mail about the project that has failed three times already. The fact of the matter you said you're sorry for beating a dead horse but they keep giving us this dead horse to beat. He thinks the school is miss managed and too large and spends way too much money. They just take on projects to take on projects. They approve things to fix, want this extra non necessity when we can't even afford our taxes around here. The money is out of control they won't stop spending, taxpayers money, we keep telling them no thank you and they keep coming out with more expensive flyers. It's very disappointing, he will continue to speak out and encouraged his neighbors to look it over. A resident stated when the school budget doesn't pass they set it for another night and don't tell you when it is. Supervisor Fleming said when Paul and Bill and I first were

elected we had a vote on term limits. At the time she was not sure how she felt. It was placed on the ballot and it passed. She wasn't going to suggest we put it back on the ballot again. Once you put something on the ballot you let the people decide. Sometimes it goes your way, sometimes it doesn't but that's the will of the people. Councilman Denbaum said another instance came about when the supervisor's position came to a vote to extend the Supervisors term from 2 years to 4 years to allow more time for the Town Board to do work without constant changeover. There are good reasons and merits for that and there are arguments against that. The residents of the Town of Kent decided and that was that we didn't put it on the ballot again.

**THE TOWN BOARD MEETING WAS CALLED TO ORDER WITH ROLL CALL**

Supervisor Maureen Fleming – present	Councilman Paul Denbaum – present
Councilwoman Jaime McGlasson – present	Councilman Bill Huestis – present
Councilman Chris Ruthven – present	

Also Present: Town Clerk Yolanda Cappelli, Highway Superintendent Rich Othmer, Town Counsel Nancy Tagliafiero, Co- Chair of Recycling Sue Kotzur and board member Janet Barnard, LCPDAB member Bob Ulich, Lake Tibet Chairperson Dorian D'Ausilio and board member Vivian Gafarotti, CAC member Anne Campbell and several members of the public.

**RESOLUTION #135 - REQUEST TRAFFIC STUDY FROM STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION**

On a motion by Councilman Denbaum  
Seconded by Councilman Ruthven

**WHEREAS**, the Acting Chief of Police of the Town of Kent has advised the Town Board that he is concerned about the number of accidents that occur at the intersection of Route 52 and Ludingtonville Road in the Town of Kent, and that the installation of a traffic light might reduce or eliminate such accidents; and

**WHEREAS**, the Town Board shares the concern of the Acting Chief of Police for residents of the Town and its visitors and notes that that area is heavily traveled due to the access to Interstate 84 and the northern part of Kent; and

**WHEREAS**, because Route 52 is a state operated roadway, the New York State Department of Transportation (the "DOT") would have to agree that there is a need for a traffic light and the Acting Chief of Police has requested authorization to request that the DOT perform a traffic study of the intersection of Route 52 and Ludingtonville Road to determine what safety measures, including but not limited to the installation of a traffic light, could be introduced at that location;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes the Acting Chief of Police to request that the DOT cause a traffic study of the intersection of Route 52 and Ludingtonville Road to determine what safety measures, including but not limited to the installation of a traffic light, could be introduced at that location to ensure the safety of all visitors and residents travelling over Town of Kent roadways.  
Motion carried unanimously

**Resolution #136 - ACCEPTING PROPOSAL FOR LAKE TIBET HYDRO RAKING**

On a motion by Councilman Denbaum  
Seconded by Supervisor Fleming

**WHEREAS**, the Town of Kent has determined there is a need for hydro-raking of Lake Tibet (Park District 2); and

**WHEREAS**, in accordance with the Town's Procurement Policy, the Town obtained requests for proposals from companies which provide this specialized service, and received three written proposal copies of which are annexed hereto and incorporated herein by reference; and

**WHEREAS**, Aquatic Technologies, Inc. has submitted the lowest proposal in the total amount of \$14,335; and

**WHEREAS**, the Town Board of the Town of Kent wishes to accept the proposal submitted by Aquatic Technologies, Inc.;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby approves the hydro raking of Lake Tibet by Aquatic Technologies, Inc. for the price set forth on the proposal annexed hereto in the amount of \$14,335; 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.

Motion carried unanimously

**RESOLUTION #137 -ACCEPT EROSION CONTROL SURETY BOND & HIGHWAY RIGHT OF WAY BOND (TAX MAP 10.20-1-51)**

On a motion by Councilman Denbaum

Seconded by Councilman Ruthven

**WHEREAS**, the Planning Board, by Resolution dated February 14, 2019, has recommended that the Town Board accept: (i) an Erosion Control Bond in the amount of \$7,290, and (ii) a Highway Right of Way Bond in the amount of \$8,398, from the owner of the property located at Kentview Drive, Kent, New York, identified as Tax Map No. 10.20-1-51 (the "Lot"); and

**WHEREAS**, the Town Board of the Town of Kent wishes to follow the recommendations of the Planning Board;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts the recommendation of the Planning Board and approves the posting of (i) an Erosion Control Bond in the amount of \$7,290, and (ii) a Highway Right of Way Bond in the amount of \$8,398.

Motion carried unanimously

**RESOLUTION #138 - ACCEPT BID FOR FREIGHTLINER FOR HIGHWAY DEPARTMENT**

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

**WHEREAS**, the Town of Kent duly advertised for bids for a Freightliner 10 Wheel Dump Truck for the Highway Department; and

**WHEREAS**, one bid was received in response to the advertisement and the bid was opened and publicly read at the Kent Town Center;

**WHEREAS**, J&J Truck Sales Inc. of Chatham, Virginia submitted the sole and therefore lowest bid in the amount of \$69,500.

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Kent hereby awards the bid for a Freightliner 10 Wheel Dump Truck for the Highway Department to J&J Truck Sales Inc. for a cost not to exceed \$69,500, conditioned upon receipt of a signed statement of non-collusion; and it is

**FURTHER RESOLVED**, that the Town Board of the Town of Kent hereby authorizes and directs the Supervisor to execute any and all documents necessary to give effect to this resolution.

Motion carried unanimously

**RESOLUTION #139 - ACCEPT PROPOSAL FOR CONSTRUCTION OF MATERIAL BIN ROOF**

**HIGHWAY DEPARTMENT**

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

**WHEREAS**, consistent with the General Municipal Law and the Town Procurement Policy, the Town of Kent Highway Department Superintendent, Richard Othmer, requested quotes for labor to construct a roof over the Highway Department material storage bins; and

**WHEREAS**, four quotes were received and Jim Liebler Inc. has submitted the lowest quote in the total amount of \$28,500; and

**WHEREAS**, the Town Board of the Town of Kent wishes to accept the quote submitted by Jim Liebler Inc.;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts the proposal of Jim Liebler Inc. to construct a roof over the Highway Department material storage bins, for a total cost not to exceed \$28,500.

Motion carried unanimously

**RESOLUTION #140 - APPROVE HIGHWAY LAW §284 AGREEMENT**

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

**WHEREAS**, Section 284 of the Highway Law provides that the Town Board and Town Supervisor of Highways shall enter into an agreement for the use of funds levied and collected for repair and improvement of highways; and

**WHEREAS**, consistent with the above referenced provision, the Town Board desires to enter into the 2019 Agreement Regarding the Expenditure of Highway Funds (the "Agreement"), in the form annexed hereto and incorporated herein by reference;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby approves the attached Agreement and any documents necessary to give effect to this Resolution.

Motion carried unanimously

**RESOLUTION #141 - ACCEPT MEMBERS TO THE LAKE CARMEL FIRE DEPARTMENT**

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

**WHEREAS**, the Lake Carmel Fire Department has recommended the acceptance of Anthony Nistico, Bridget Donelan, James Shannon, Rachel Wahlers, and Brent Ehlberg as new members of the Lake Carmel Fire Department; and

**WHEREAS**, the Town Board of the Town of Kent wishes to accept the recommendation of the Lake Carmel Fire Department;

**NOW, THEREFORE, BE IT RESOLVED**, that Town Board of the Town of Kent hereby accepts and welcomes Anthony Nistico, Bridget Donelan, James Shannon, Rachel Wahlers, and Brent Ehlberg as members of the Lake Carmel Fire Department.

Motion carried unanimously

**RESOLUTION #142 - TO HIRE LAKE CARMEL PARK DISTRICT SUPERVISOR OF LIFEGUARDS**

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

**WHEREAS**, the Town of Kent is seeking to fill the summer position of Lifeguard Supervisor for the Lake Carmel Park District; and

WHEREAS, Andrea McKinley has previously been employed as Lifeguard Supervisor and has submitted an application to fill the position of Lifeguard Supervisor for the 2019 season.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Andrea McKinley as Lifeguard Supervisor of the Lake Carmel Park District for the 2019 season at a rate of \$9,250.00; 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.  
Motion carried unanimously

**RESOLUTION #143 - AUTHORIZING TOWN CLERK TO ADVERTISE FOR THE POSITIONS OF CERTIFIED WATERFRONT LIFEGUARDS, HEAD LIFEGUARD, WATER SAFETY INSTRUCTOR AND SEASONAL PARK MAINTENANCE WORKERS FOR THE LAKE CARMEL PARK DISTRICT**

On a motion by Councilman Ruthven  
Seconded by Councilwoman McGlasson

WHEREAS, the Town of Kent is seeking to fill the summer positions of Certified Waterfront Lifeguards, Head Lifeguard, Waterfront Safety Instructor 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 Certified Waterfront Lifeguards, Head Lifeguard, Waterfront Safety Instructor and Seasonal Park Maintenance Worker positions for the Lake Carmel Park District.  
Motion carried unanimously

**RESOLUTION #144 - SETTING FOOD TRUCK PERMIT FEES**

On a motion by Councilman Ruthven  
Seconded by Councilman Huestis

WHEREAS, the Town Board of the Town of Kent wishes to set the fee schedule annexed hereto for Food Truck permits as authorized by Town Code §39B-2(D);

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes and approves the Food Truck permit fees as annexed hereto;  
Motion carried unanimously

**RESOLUTION #145 – APPROVE AGREEMENT FIREWORKS EXTRAVAGANZA**

On a motion by Councilman Ruthven  
Seconded by Councilwoman McGlasson

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 scheduled for June 29, 2019; and

WHEREAS, the fee for the fireworks display is \$11,000 and the agreement requires a deposit of \$2,500 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 \$2,500 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.  
Motion carried unanimously

**RESOLUTION #146 - APPROVE INTER-MUNICIPAL AGREEMENT FOR OUTREACH WORKER**

On a motion by Councilman Ruthven  
Seconded by Councilwoman McGlasson

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

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

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

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

**RESOLUTION #147 – APPROVE VOUCHERS AND CLAIMS**

On a motion by Councilman Huestis  
Seconded by Councilwoman McGlasson

Resolved: All vouchers #200149687 -#200149867 and claims from:

1. Beacon Recycling	\$2,322.65	Lake Carmel Recycling
2. Cemco Water	\$4,100.90	WD#2 Repair/Monthly Operation
3. Chemung Supply Corp.	\$14,750.00	Drainage Bond
4. City Carting	\$4,084.82	Lake Carmel Garbage
	\$4,967.74	
5. Comp Alliance NYS Assessment	\$16,625.95	2019 Assessment
6. F.I. Adams, Inc.	\$6,000.00	Lake Tibet Fish Barrier
7. John Deere Financial	\$20,948.03	Backhoe Lease
8. M&M Precast Corp.	\$9,676.00	Drainage Bond
9. Medicare Reimbursements	\$26,180.50	Reimbursements
10. NYSEG	\$2,369.58	Electric: Police Dept.
11. NYS Municipal Workers Comp.	\$293,516.00	2019 Workers Comp.
12. Purchase Power	\$2,000.00	Postage
13. Royal Carting	\$3,733.76	Recycling Garbage
14. State Comptroller	\$47,881.50	Justice Court Fines & Fees
15. Town of Kent P.B.A.	\$18,084.00	2019 Welfare Fund
16. Transaxle	\$2,677.67	Truck Parts
	\$2,996.40	

In the amount of \$507,356.01 & \$27,451.62 be paid.  
Motion carried unanimously

**PUBLIC COMMENT**

There was none.

**RESOLUTION #148 - ADJOURN TO EXECUTIVE SESSION**

On a motion by Councilman Huestis  
Seconded by Councilman Ruthven  
Resolved: The town board adjourned to executive session at 8:45 p.m. to discuss pending litigation.  
Motion carried unanimously

**RESOLUTION #149 - ADJOURN EXECUTIVE SESSION**

On a motion by Councilman Ruthven

TOWN BOARD MEETING/WORKSHOP MARCH 5, 2019

Seconded by Councilman Denbaum

Resolved: The town board adjourned executive session at 9:40 p.m. no votes were taken.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli  
Town Clerk