

A regular meeting was held on Tuesday November 13, 2018 at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York, 10512.

Resolution #393 - Adjourn to Executive Session

On a motion by Supervisor Fleming

Seconded by Councilwoman Woolley

Resolved: The Town Board adjourned to Executive Session at 6:04 p.m. to discuss the medical, financial, credit or employment history of a particular person or corporation and current litigation.

Motion carried unanimously

Resolution #394 - Adjourn Executive Session

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: Executive Session adjourned at 7:01 p.m. no action was taken.

Motion carried unanimously

Resolution #395 - Reopen Public Hearing – 2019 Preliminary Budget

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The public hearing on the 2019 Preliminary Budget was reopened.

Motion carried unanimously

Supervisor Fleming asked for comments on the budget, there were no comments. She said the board is still working out numbers for the Lake Carmel Fire Department contract, without that the budget cannot be totally finalized. She explained all other aspects of the budget are in good order.

Resolution #396 - Adjourn Public Hearing – 2019 Preliminary Budget – [See Resolution #411](#)

On a motion by Supervisor Fleming

Seconded by Councilwoman Woolley

Resolved: The public hearing on the 2019 Preliminary Budget was adjourned until the meeting of November 20, 2018.

Motion carried unanimously

Resolution #397 - Reopen Public Hearing Lake Carmel Fire Department Contract

On a motion by Supervisor Fleming

Seconded by Councilwoman Woolley

Resolved: The Public Hearing on the Lake Carmel Fire Department Contract was reopened.

Motion carried unanimously

Supervisor Fleming said as mentioned we do not have the contract before us.

Resolution #398 - Adjourn Public Hearing Lake Carmel Fire Department Contract

On a motion by Supervisor Fleming

Seconded by Councilwoman Woolley

Resolved: The Public Hearing on the Lake Carmel Fire Department Contract was adjourned to November 20, 2018.

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.

Public Comment

A discussion took place amongst the board about a retention pond being placed on the Fitness Trail at Ryan Town Park without the board being notified. Annmarie Baisley commented on the

retention ponds located around the walking trail in Lake Carmel that was supposed to be maintained by DEC which has not been. She said this summer her granddaughter worked for Putnam County looking for mosquito's in similar ponds to be tested for the Nile Virus.

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
Councilwoman Woolley – present

Also Present: Town Clerk Yolanda Cappelli, Chief Kevin Owens, and Co-Chairperson of Recycling Sue Kotzur, Town Attorney Nancy Tagliaferro, and Director of Finance Yulia Kelly, IT Rich Harris, Lake Carmel Community Center Board Member Janice Capra, and the Library Director Carol Donick.

Resolution #399 -Authorizing Destruction & Recycling of Computers

On a motion by Councilman Denbaum
Seconded by Councilwoman McGlasson & Councilwoman Woolley

WHEREAS, the Town Board received a letter dated October 25, 2018, from Richard Harris, IT Consultant, recommending that the Town have the hard drives deleted and destroyed and other items recycled from a number of computers and other equipment, from various Town Departments, as outlined on the letter annexed hereto; and

WHEREAS, the Town Board wishes to accept the recommendation and authorize the IT Consultant to cause the destruction and recycling of the computers and other equipment with a record kept of the destruction.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes its IT consultant to cause the destruction and recycling of the computers and other equipment; and keep a record thereof

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

Resolution #400 - Accepting Members to the Lake Carmel Fire Department

On a motion by Councilman Denbaum
Seconded by Councilwoman McGlasson

WHEREAS, the Lake Carmel Fire Department has recommended the acceptance of Andrew C. Perrault and Randy S. Mead 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 Andrew C. Perrault and Randy S. Mead as members of the Lake Carmel Fire Department; 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, consistent with the terms hereof and in such form as is satisfactory to the Town Supervisor and the Town Attorney.
Motion carried unanimously

Resolution #401 - Accepting Member to Board of Trustees of Kent Public Library

On a motion by Councilman Denbaum

Seconded by Councilman Huestis

WHEREAS, the Director of the Kent Public Library has recommended the acceptance of Beth Herr as a new member of the Board of Trustees of the Kent Public Library; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the recommendation of the Director;

NOW, THEREFORE, BE IT RESOLVED, that Town Board of the Town of Kent hereby accepts Beth Herr as a member of the Board of Trustees of the Kent Public Library.

Motion carried unanimously

Resolution #402 - Table Contract with Genserve Inc.

On a motion by Councilman Denbaum

Seconded by Councilwoman Woolley

Resolved: The contract with Genserve was tabled.

Motion carried unanimously

Resolution #403 - Authorizing Town Clerk to Advertise for Annual Bids for Highway Services & Materials in the Town of Kent

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

WHEREAS, the Town of Kent Highway Superintendent wishes to advertise for annual bids for services and materials regularly used by the Highway Department; and

WHEREAS, the Town Board of the Town of Kent wishes to authorize its Town Clerk, Yolanda D. Cappelli, to advertise for bids for Highway Services and Materials;

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 annual bids for Highway Services and Materials.

Motion carried unanimously

Resolution #404 - Table Bids for Repairs to Water District No. 1

On a motion by Councilwoman McGlasson

Seconded by Councilman Denbaum

Resolved: The bids for repairs to Water District No. 1 were tabled.

Motion carried unanimously

Resolution #405 - Authorizing Return of Review Fees Britt Connolly TM# 33.73-1-53&54

On a motion by Councilwoman McGlasson

Seconded by Councilwoman Woolley

WHEREAS, Britt Connolly (the "Owner") owns a parcel of land at 8 Grasslands Road, Kent, New York, identified as Tax Map No. 33.73-1-53&54 (the "Lot"); and

WHEREAS, the Owner previously submitted to the Planning Board a review fee and the review has been completed; and

WHEREAS, the Owner has submitted a request that any remaining review fee be returned to the Owner; and

WHEREAS, the Planning Board, at their meeting held on November 8, 2018, approved Resolution #17 of Year 2018 recommending that balance of the remaining review fees be returned to the Owner; and

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

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the return of the remaining review fees.
Motion carried unanimously

Resolution #406 - Authorizing Return of Review Fees Daniel Howles TM#33.51-1-10

On a motion by Councilwoman McGlasson

Seconded by Councilwoman Woolley

WHEREAS, Daniel Howles (the "Owner") owns a parcel of land at 5 Rockwood Road, Kent, New York, identified as Tax Map No. 33.51-1-10 (the "Lot"); and

WHEREAS, the Owner previously submitted to the Planning Board a review fee and the review has been completed; and

WHEREAS, the Owner has submitted a request that any remaining review fee be returned to the Owner; and

WHEREAS, the Planning Board, at their meeting held on November 8, 2018, approved Resolution #16 of Year 2018 recommending that the remaining balance of review fees be returned to the Owner; and

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

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the return of the remaining review fees.
Motion carried unanimously

Resolution #407 - Accepting Erosion Control Surety Bond TM#42.02-2-51

On a motion by Councilwoman McGlasson

Seconded by Councilwoman Woolley

WHEREAS, the Planning Board, by Resolution dated November 8, 2018, has recommended that the Town Board accept an Erosion Control Bond in the amount of \$6,138 from the owner of the property located at 1144 Peekskill Hollow Road, Kent New York, identified as Tax Map No. 42.02-2-51 (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 an Erosion Control Bond in the amount of \$6,138.
Motion carried unanimously

Resolution #408 - Accepting Erosion Control Surety Bond TM# 10.20-1-69

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

WHEREAS, the Planning Board, by Resolution dated November 8, 2018, has recommended that the Town Board accept an Erosion Control Bond in the amount of \$28,867.50 from the owner of the property located at Kentview Drive, Kent New York, identified as Tax Map No. 10.20-1-69 (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 an Erosion Control Bond in the amount of \$28,867.50.
Motion carried unanimously

Resolution #409 -Authorizing Correction of Violations Acceptance of Proposal & Charge to Property Owners

On a motion by Councilwoman Woolley
Seconded by Supervisor Fleming

WHEREAS, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation (the “Order to Remedy Removal of Brush”) directing the owner to remove rubbish, excess weed, grass and brush growth from the following properties:

31 Kentwood Drive Tax Map 21.8-1-11; and

WHEREAS, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation (the “Order to Remedy the Rubbish Removal”) directing the owners to remove rubbish and debris from the exterior of the following properties in the Town of Kent:

31 Kentwood Drive Tax Map 21.8-1-11;
24 Chauncey Road Tax Map 33.56-1-20; and

WHEREAS, the Order to Remedy requires each owner to correct the violations or respond to the Code Enforcement Office within ten days and, to date, the owners of the Properties have 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 violations; and

WHEREAS, consistent with the Town’s Procurement Policy, the Town of Kent requested three written proposals from contractors to correct the violations on the Properties and received one proposal in response, copies of which are annexed hereto and incorporated by reference; and

WHEREAS, the Town Board wishes to accept the sole and therefore lowest proposals submitted on the properties as further outlined below:

31 Kentwood Drive (Brush Removal)	\$ 150	JB Affordable Lawn Care Inc.
31 Kentwood Drive (Rubbish Removal)	\$2,000	FI Adams, Inc.
24 Chauncey Road	\$1,800	FI Adams, Inc.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the proposals of JB Affordable Lawn Care Inc. and FI Adams, Inc., as described above for a total cost not to exceed \$3,950; and

BE IT 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 owners by the Town in accordance with Chapter 55A-12(B).
Motion carried unanimously

Resolution #410 - Introducing Local Law # /2018 & Providing for Public Notice & Hearing
On a motion by Councilwoman Woolley

Seconded by Councilman Denbaum

BE IT RESOLVED that an amendment to Kent Town Code Chapter 53 entitled “Peddlers & Solicitors”, and a new Chapter 39-B, Food Trucks is hereby introduced by Supervisor Fleming, as Introductory Local Law #__ of the year 2018 before the Town Board of the Town of Kent in the County of Putnam and State of New York, and

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Amendment, which is attached hereto, be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED, that the Town Board will hold a public hearing on said proposed Amendment at the Town Hall, in the Town of Kent, New York at 7:00 o'clock P.M. on November 27, 2018, 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.

Motion carried unanimously

TOWN OF KENT
AMENDMENT TO
CHAPTER 39B OF THE KENT TOWN CODE

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

Section 1. Chapter 39B entitled “Peddlers and Solicitors”, is amended as follows:

Chapter 39B. Peddlers and Solicitors

§ 39B-2. Peddlers and Solicitors prohibited. Exemptions.

- A. Except as may be otherwise permitted by general or special law, it shall be unlawful for any person, corporation, partnership, company, unincorporated association, agent or principal thereof, or any other entity to engage in or act as a peddler, vendor, solicitor or commercial traveler, as herein defined, within the jurisdictional boundaries of the Town of Kent.
- B. The provisions of this Chapter shall not apply to operators of Food Trucks which possess a license pursuant to Chapter 39B of the Town Code.

Section 2. Chapter § 39-B shall be added to the Town Code, entitled “Food Trucks”, as follows:

Chapter 39B. Food Trucks.

39B-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

APPLICATION

The form and supporting information or documentation prescribed by the Town Board seeking the issuance of a food truck permit.

FOOD TRUCK

A vehicle from which food for human consumption is sold or dispensed. Such vehicle may be self-propelled or towed by another vehicle.

FOOD TRUCK PERMIT

The permit or license issued by the Town Clerk which shall be proof that a particular food truck has met the qualification requirements and that the location endorsed thereon has

been approved by the Town for the purpose stated therein.

FOOD TRUCK PERMIT, SECONDARY

A second permit which may be issued to an existing food truck permit holder which would allow such permit holder to locate his or her food truck at a secondary location on municipally owned property.

LOCATION

The particular physical site, approved by the Town Code Enforcement Officer, where the food truck shall be parked and operated during permitted hours.

VETERAN

Any veteran of the United States military service or coast guard who has been discharged from service for other than cause. Any veteran applicant shall submit a copy of his or her Form DD-214 as part of the application package.

§ 39B-2. Permit; fees.

- A. No more than one permit shall be issued to any individual or qualifying business entity.
- B. Such permit shall be issued to an applicant who has completed the requisite application on the prescribed form provided by the Town Clerk, paid the requisite fee(s) and provided such additional information as may be required in the application, including, but not limited to, proof of general liability insurance with limits of liability not less than \$1,000,000 per occurrence; current vehicular registration, inspection and insurance; proof of permission to locate the food truck at the particular location; and, in the case of prepared food sales, a current food vendor's permit issued by the Putnam County Department of Health. The Town of Kent shall be listed as an additional insured on the policy of general liability insurance.
- C. Permits shall be issued on a calendar year basis running from January 1 to December 31. Applications for such permits shall be available to residents or established businesses located within the Town of Kent from November 1 through November 30 of each year for the following year. From December 1 on, applications, to the extent permits are still available, shall be accepted from nonresidents.
- D. The annual fee for a food truck permit shall be set by the Town Board and included in the annual fee schedule adopted by the Town Board, as the same may be amended from time to time. Any permit issued after July 1 shall be 1/2 of the annual permit fee and shall run for the balance of the calendar year. Any permit issued to a veteran shall be exempt from the payment of the annual fee. To be exempt from the payment of the requisite permit fee, such veteran shall actually be engaged in the operation of the food truck and shall be present at the location at all times the food truck is in operation.
- E. Food truck permit holders and any employee(s) shall be issued a photographic identification card by the Town of Kent. Such identification shall be maintained on the person of the permit holder and employee at all times that the food truck is in operation and shall be open to the inspection by the Town Code Enforcement Officer.
- F. Secondary permits shall be made available to existing food truck permit holders who wish to provide food vending services on municipally owned properties on a monthly, weekly or daily basis. Such secondary permits shall only be issued to existing food truck permit holders. The fee for such secondary permit shall be set forth in the annual fee schedule, as the same may be amended from time to time.
- G. Notwithstanding the foregoing, any licensed or permitted food truck shall be allowed to operate on private property within the Town at a specific function and at the specific request by such private property owner for the purpose of catering or providing food service for such special function.

§ 39B-3. Location.

- A. Except as otherwise provided for herein, a food truck permit shall allow the holder thereof to conduct the business vending food from a specific, stationary location. Such location shall be on private property or within or on a public thoroughfare or right-of-way. No vending or soliciting of food sales shall occur by the permittee at any location within the Town other than that which is declared on the permit.
- B. A permitted location shall be within a commercially zoned area and shall be subject to the prior approval of the Town Code Enforcement Officer to ensure that such location is safe for use by both vehicles and pedestrians.
- C. An applicant for a food truck permit shall provide proof, in writing, signed by the owner of the particular location or, with respect to state, county or other municipal thoroughfares, signed by the authorized permitting authority, that the applicant has permission to park or locate the food truck at that particular location. Such document shall be signed and acknowledged before a notary public.
- D. A permitted location shall have an improved parking area and shall have not less than two parking spaces available for patron use. Such parking spaces must be in addition to any parking spaces that are committed to other uses and/or occupancies that are served by the site as specified in the Town's zoning regulations or as set forth on any current site plan for the location.
- E. A permitted location shall not be closer than 500 feet to any existing restaurant, delicatessen, fast food establishment, or other food service establishment.
- F. There shall be no outdoor seating or other accommodation for on-site consumption of food or other vended products. The food truck permit holder shall provide adequate refuse receptacles for patron use and shall provide that refuse deposited therein is removed from the permitted location on a daily basis.

§ 39B-4. Hours of operation.

- A. Food trucks may be operated during the hours of 5:00 a.m. through 9:00 p.m. on any given day.
- B. Food trucks shall be removed from the permitted location within one hour after closing and shall not be returned to the permitted location more than one hour before the permitted opening time on any given day. There shall be no overnight parking of food trucks at any permitted location.

§ 39B-5. Penalties for offenses; revocation.

- A. Any person who violates any provision of this article shall be guilty of an offense and upon conviction thereof shall be subject to a fine of not less than \$100 nor more than \$250 for each violation, or by imprisonment not exceeding 15 days, or both such fine and imprisonment.
- B. Conviction of three violations of any provision of this article shall result in the immediate revocation of the food truck permit.

Section 3. This local law shall take effect immediately.

Dated: November __, 2018

BY THE ORDER OF THE TOWN BOARD OF

THE TOWN OF KENT

Supervisor Fleming said it has come to her attention that we can adopt the budget on November 20th but we cannot adjourn the public hearing beyond November 15th. She would like to add to the meeting a resolution to close the public hearing, we can still make changes to the budget between now and the 20th.

Resolution#411 - Add Resolution to Close Public Hearing on the Preliminary 2018 Budget.

On a motion by Supervisor Fleming
Seconded by Councilwoman Woolley

Councilman Denbaum stated the intent of the public hearing being closed is completely statute based and procedural and if any member of the public wants to comment on the budget at the next meeting we would open the floor for comment on said budget. Supervisor Fleming replied absolutely.

Resolved: Close Public Hearing on the Preliminary 2019 Budget was added to the agenda.
Motion carried unanimously

Resolution #412 - Close Public Hearing on the Preliminary 2019 Budget

On a motion by Supervisor Fleming
Seconded Councilman Huestis
Resolved: The Public Hearing on the 2019 Preliminary Budget was closed.
Motion carried unanimously

Resolution #413 - Vouchers & Claims

On a motion by Councilman Huestis
Seconded by Supervisor Fleming
Resolved: All vouchers #200148266 - #200148440 and claims submitted by:

1. City Carting	\$6,145.45	Lake Carmel Garbage
	\$6,659.23	
	\$6,452.00	
	\$6,634.41	
	\$5,852.26	
	\$5,873.27	
	\$3,999.55	
2. Custom Bandag, Inc.	\$6,036.49	Municipal Repairs Parts
3. Global Montello Group Corp.	\$4,177.00	Fuel
4. Intercounty Paving Co., Inc.	\$33,811.32	Paving Huestis Park Entrance
5. Johnson’s Tree Service		
6. 5\$3,900.00 Tree Removal Lake Carmel Addresses		
7. Lewis & Greer, P.C.	\$2,405.00	Kent Investors
8. Lexipol, LLC	\$8,166.00	Law Enforcement Manual
9. NYCOMCO	\$2,671.00	2 Way Radio: Police
10. NYSEG	\$2,336.02	Electric: Ryan’s Field
11. Peckham Materials	\$27,856.68	Blacktop
	\$16,619.09	
12. Purchase Power	\$2,000.00	Postage
13. Rohde, Soyka & Andrews	\$3,534.22	Kent Lakes Grant
14. Royal Carting	\$5,862.05	Recycling Garbage
15. Solitude Lake Management	\$7,400.00	Balance for Harvesting Lake Tibet
16. State Comptroller	\$35,967.50	Justice Court Fines & Fees
17. Stronghold Industries, LLC	\$2,751.19	Repair to Excavator
18. Transaxle, LLC	\$4,513.64	Municipal Repairs Parts
19. Windstream	\$4,020.09	Telephone Service

In the amount of \$279,557.31 may be paid.

Motion carried unanimously

Public Comment

Annmarie Baisley wanted the record to show that at the meeting of October 23, 2018 a statement was made that the Lake Carmel Community Center was having a meeting at 7:00 p.m. on November 1, 2018. She and Janice were present and no one was there or contacted of the meeting. She explained there are bylaws which are not being followed.

She spoke about the community center report regarding mold spores present in the building. The reports states mold affects everyone differently having greater effects on the elderly and young children and persons with respiratory issues. She questioned the Girl Scouts using the facility. She said the recommended work has not taken place at the center, there are still trees growing out of the gutters, limbs still on the roof, the added rain has not helped.

She urged the board to take some sort of action.

Resolution #414 - Adjourn to Executive Session

On a motion by Councilman Huestis

Seconded by Councilwoman Woolley

Resolved: The Town Board adjourned to executive session at 8:46 p.m. to discuss the medical, financial, credit or employment history of a particular person or corporation and current litigation.

Motion carried unanimously

Resolution #415 - Adjourn Executive Session

On a motion by Councilman Denbaum

Seconded by Councilwoman Woolley

Resolved: Executive session adjourned at 9:22 p.m. no action was taken.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli