

A regular meeting was held at the Kent Town Center, 25 Sybil's Crossing Town of Kent, New York.

Resolution #211 - Open the meeting

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: The Town Board Meeting of May 6, 2014 was opened at 6:42 p.m.

Motion carried unanimously

Resolution #212 - Adjourn to Executive Session

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: The Town Board adjourned to Executive Session to discuss employment status of certain employees.

Motion carried unanimously

Resolution #213 - Adjourn Executive Session

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: Executive Session adjourned at 7:30 p.m., no action was taken.

Motion carried unanimously

Public Hearing - Stormwater Management & Erosion Control

Supervisor Fleming explained the only changes on the Stormwater Ordinance, of any substance, is changing the 1 acre minimum to 5,000 square feet.

Bruce Barber, Wetland and Stormwater Consultant for the Town, stated the Board will recall this was discussed at a prior workshop, there are basically two amendments to the existing stormwater ordinance underscoring the fact these are in effect not discretionary changes but required by the NYS DEC in order for us to maintain compliance with the Stormwater Permit we currently hold as an MS4 our municipal separate storm sewer system. There are two changes as the Supervisor eluted to the first being at the regulatory threshold, formerly 1 acre as stated in the Town Code is now changed to 5,000 square feet, secondly, the other change is that all of the post-construction stormwater management practices, those land disturbing activities of over 1 acre that require some type of post construction management must be in accordance with heighten phosphorous requirements found in the most current edition of the NYS DEC Stormwater Design Manual. Those are the two basic required changes. In practice Kent has been doing this for several years the task tonight is to memorialize those changes to our current code. Before you this evening is the draft resolution which was prepared with Ron Blass, Planning Board Attorney. Following is the Short Environmental Assessment Form or EAF and, lastly a draft resolution of a Negative Declaration. This is an unlisted action under SEQRA and there are no involved agencies other than the Town Board therefore you are, by default, Lead Agency but you do need as this is an unlisted action to make a determination of significance this evening. He asked if anyone had any questions. There were none.

Resolution #214 - Close Public Hearing on Stormwater Management & Erosion Control

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: The Public Hearing on Stormwater Management & Erosion Control was closed at 7:40 p.m.

Motion carried unanimously.

Presentation – Kent Public Library - Carol Donick

Supervisor Fleming introduced Carol Donick, Kent Public Library Director noting this is the 50th Anniversary of the Library.

Ms. Donick put together some information about the Library, she said she started working at the Kent Library in December and she's very happy. They say you should start global and then local. We all now live in the information age just as the industrial revolution begun during the industrial age and in the 19th Century. The digital revolution has brought us into the information age described as knowledge based society surrounded by a high tech global economy. This has made libraries very important. One trend we see is an explosion of choices, ancient Greeks could only watch plays by live actors then in our life time came television, movies, DVD's, and streaming video. In a month an average person may watch several hours of television, go to a movie in a theater, borrow some DVDs from the library, see something on YouTube and may even go to a live play, like the Library Stories at Arts on Lake this weekend. The number and kinds of media including online media which people

expect to borrow from the Kent Library has increased greatly. We have seen a lot of change in the last 50 years. They still have all the services such as Story Hour which she hopes people remember fondly from their own childhood and yet, now, we have so much more, eBooks, DVDs, Blue Rays, downloadable movies, audio books, museum passes, books on CD, online language instructions, thousand of newspaper and magazine articles and much, much more. From their catalog, you can pick from over 600,000 titles more than 12 times the number in our lovely library building most delivered to you within 3 days. They did a survey of computer usage which showed 87 percent of the people responded thought it was important to have public access computers in the library. Over 250 people walk through the Kent Library doors on an average day and another 140 go to the Library's web page. They checked out over 100,000 physical items each year. If Kent residents purchased at \$20.00 each, they would have spent \$2m. Almost 10,000 people attended library programs last year. They are looking to convert part of the downstairs area of the library into a larger program room to fill that need. They have 4 big events coming up. The Friends Book Sale will be on Saturday, May 24th and Sunday, May 25th. She thanked the Board for letting the Friends Book Sale use Town Hall for the book sale which is very important to them. They are planning an event for a big truck day Saturday, July 5th to help encourage residents to stay in Kent. They continue to celebrate the Library's 50th Anniversary. She's very lucky having a celebration every 1st Saturday of the month but it is coming to an end with our Children's Fun Day on Saturday, June 7th. She thanked the Board for letting their story tellers come in Town Hall if it rains. The big culmination of their 50th Anniversary will be a dinner dance on June 7th. It should be a wonderful affair and hopes many can come. She asked for any questions. Supervisor Fleming noted the library is doing wonderful things she thinks it is a jewel in our community. Councilman Tierney commented about the Friends, that the library would not be what it is without the Friends adding they contribute greatly. Councilman Tierney added from the dilapidated small building on Route 52 to the beautiful library building. Councilwoman Osborn said the volunteers are so important and at the root of any well run program. She thanked them for their timeless hours. It is much appreciated. Councilman Huestis asked the information be posted on television, he has been there a few times, a friend had a photo exhibit last month it was nice to see the children's programs and such she's doing a good job. He asked about Sundays being closed, is there a reason why libraries are generally closed on Sundays. Carol said it is primarily financial but there are larger libraries open at least half a day on Sundays, people need a little rest occasionally. Councilman Denbaum spoke on the financial side the library budget is presented and passed, a thought about a lot more technology like Blue Ray basically high tech access to very recreational type, is there ever a concern you are providing too much that it's no longer books it's high definition movies to people at taxpayers' expense, some of the patrons of the library are not Kent residents. He continued to asked what is the library's scope, would it be better to have the library open for an hour or two on Sundays and not have Blue Rays, is there ever a thought on how far do we go to recreational type material at the expense of maybe of more learning and needs of the community. Carol stated their primary emphasis is on learning, education and cultural things. It takes a fair amount of money to keep a library open an extra day a week certainly more than we are currently investing on things like the Blue Ray collection. Councilman Denbaum continued on to ask the same question. Carol stated they have the books, learning and such as well and, some of that is new is technology. They have an online language learning program which is wonderful for both students and people who want to pick up some other foreign language. She thinks that people are more and more expecting them to somewhat keep up with technology that is where the demand is she hates for us to become less relevant because we are 10 years behind the media that the younger people are using if that is a reasonable explanation. Carol added that she doesn't have a high definition television but she would hate to lose the younger people who want them. The Board thanked Carol for coming.

Workshop

The board reviewed and discussed all the items on the workshop agenda

Salute to the Flag – At 9:06 p.m. Supervisor Fleming called the meeting to order with the Salute to the Flag

Roll Call

Supervisor Maureen Fleming – present	Councilman Paul Denbaum – present
Councilwoman Penny Osborn – present	Councilman Bill Huestis – present
Councilman Mike Tierney – present	

Also Present: Town Counsel Tim Curtiss, Police Chief Alex DiVernieri, Building Inspector William Walters, Recycling Chairperson Sue Kotzur.

Resolution #215 - Lake Carmel Fire Department Accept New Members

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

Resolved: On the recommendation of President Ed Schaeffler Jr, Daniel J. Gallagher and Marc Trippodo were accepted as new members of the Lake Carmel Fire Department.

Motion carried unanimously

Resolution #216 - Negative Declaration – Amendment of Existing Local Law Ch 66: Steep Slope & Stormwater Management Law

On a motion by Councilman Denbaum

Seconded by Councilman Huestis

NEGATIVE DECLARATION TOWN OF KENT, NEW YORK

WHEREAS, it is the intent of the Town Board of the Town of Kent to maintain minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction, and, meet the requirements of minimum control measures of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-0-10-002, as hereafter amended or revised; and,

WHEREAS, in order to meet the requirements of the minimum control measures of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems, Permit No. GP-0-10-002 the following modifications to the existing Chapter 66 of the Town of Kent Town Code entitled, Steep Slope and Stormwater Management are required:

1: Section 66-4:

A: Existing Definition of LAND DEVELOPMENT ACTIVITIES:

Construction activity including clearing grading excavating soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

Change to:

Construction activity including clearing grading excavating soil disturbance or placement of fill that results in land disturbance of equal to or greater than 5,000 square feet, or activities disturbing less than 5,000 square feet of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

B: Existing Definition of SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES:

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land, as hereafter amended or revised.

Change to:

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of 5,000 square feet or more of land, as hereafter amended or revised.

2: Section 66-5:

A: Existing 66-5(A)(1): Any disturbance involving one or more acres of land;

Change to:

The regulations established in this provision shall apply to all land development activities of 5,000 square feet or greater and/or all land development activities that move 100 cubic yards or more of soil material, and/or 2,000 square feet or greater on steep slopes within the Town of Kent, including any activity not physically completed prior to the effective date of this chapter. As used in this section, the term "physically completed" shall mean the actual completion of construction activities related to a regulated activity, including filling erecting structures or other improvement or development activities. Land disturbance does not need to be contiguous to be included in total area calculations.

3:Section 66-11

A:Existing 66-11 (C),(G),(H),(I),(K): All reference 1 acre.

Change to: All references of 1 acre are changed to 5,000 square feet

4:Section 66-14:

A: Existing 66-14(A)(2); Condition B: stormwater runoff from land development activity disturbing between one and five acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties, or;

Change to: Condition B: stormwater runoff from land development activity disturbing between one and five acres of land during the course of the project.

5:Section 66-14:

A: Add: 66-14(B)(11): Land development activities as defined in §66-4 of this chapter that disturb one or more acres of land shall also include water quantity and water quality controls (post-construction stormwater runoff controls) designed in conformance with the enhanced phosphorus removal design standards in the most current version of the technical standards of the New York State Stormwater Management Design Manual.

WHEREAS, the Town Board has determined that these modifications to the existing Chapter 66 in the Town of Kent Town Code entitled, Steep Slope and Stormwater Management Law will result in meeting the requirements of the minimum control measures of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems, Permit No. GP-0-10-002; and,

WHEREAS, the Town prepared a short-form Environmental Assessment Form (EAF), dated _____ and,

WHEREAS, the proposed action has been determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

NOW THEREFORE BE IT RESOLVED as follows:

1. The Town Board has compared the proposed action with the Criteria for

Determining Significance in 6 NYCRR 617.7 (c) and determined that the proposed action will not have a significant adverse impact on the environment.

2. The Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions.

The board took a poll vote as follows:

Councilman Denbaum – aye Councilwoman Osborn – aye

Councilman Huestis – aye Councilman Tierney – aye

Supervisor Fleming – aye

Motion carried unanimously

Resolution #217 - Adopt Local Law #1 Stormwater Management & Erosion Control

On a motion by Councilman Denbaum

Seconded by Councilman Huestis

WHEREAS, the Town Board of the Town of Kent has introduced a proposed Local Law No.1 of 2014, entitled A LOCAL LAW OF THE TOWN OF KENT, PUTNAM COUNTY, NEW YORK AMENDING VARIOUS PROVISIONS OF CHAPTER 66 OF THE KENT TOWN CODE PERTAINING TO STORMWATER MANAGEMENT AND EROSION CONTROL.

WHEREAS, a public hearing in relation to said Local Law was conducted on May 6, 2014; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, the Local Law has been on the desks of the members of the Town Board for at least seven days, exclusive of Sunday.

BE IT ENACTED by the Town Board of the Town of Kent that the Town Code is amended as follows:

Section 1: The definition of LAND DEVELOPMENT ACTIVITY within Section 66-4, is amended as shown below (deleted material is stricken through and added material is underscored):

LAND DEVELOPMENT ACTIVITY - Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than 5,000 square feet, or activities disturbing less than 5,000 square feet of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

Section 2: The definition of SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES within Section 66-4, is amended as shown below (deleted material is stricken through and added material is underscored):

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of 5,000 square feet or more of land, or as such permit standards may be hereafter amended or revised.

Section 3: Subsection 66-5(A)(1) is amended as shown below (deleted material is stricken through and added material is underscored):

Any disturbance involving 5,000 square feet or more of land area;

Section 4: Subsections 66-11(C),(G),(H),(J),(K) are amended as shown below (deleted material is stricken through and added material is underscored):

a) C. Routine maintenance activities that disturb less than 5,000 square feet of land area, to be determined in consultation with the Stormwater Management Officer, and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.

b) G. The construction of cemetery graves that disturb less than 5,000 square feet of land area. c) H. The installation of fence, sign, telephone, and electric poles and other kinds of posts or poles which disturbs less than 5,000 square feet of land area.

d) J. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants solely for use by that person and his or her family, and which disturbs less than 5,000 square feet of land area.

e) K. Landscaping and horticultural activities in connection with an existing structure which disturb less than 5,000 square feet of land area.

Section 5: Subsection 66-14(A)(2) is amended as shown below (deleted material is stricken through and added material is underscored):

Condition B: stormwater runoff from land development activity disturbing between one and five acres of land during the course of a project; or

Section 6: The following subsection 11 is added to Subsection 66-14(B):

(11) Land development activities as defined in §66-4 of this chapter that disturb one or more acres of land shall also include water quantity and water quality controls (post-construction stormwater runoff controls) designed in conformance with the enhanced phosphorus removal design standards in the most current version of the technical standards of the New York State Stormwater Management Design Manual.

Section 7: This local law shall be effective upon filing with the New York State Secretary of State.

BE IT FURTHER RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York that it contains the correct text and that all proper proceedings have been had or taken for the enactment of this local law.

Motion carried unanimously

Resolution #218 - Set the Date for Public Hearing on Sewer Use Law

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

Resolved: The Town Clerk is authorized to advertise for Public Hearing on the amended Sewer Use Law on May 20, 2014.

Motion carried unanimously

Resolution #219 - Lake Carmel Park District Appoint Head Lifeguard & Water Safety Instructor

On a motion by Councilwoman Osborn

Seconded by Councilman Denbaum and Supervisor Fleming

Resolved: Albert Mercado was appointed as Head Lifeguard and Kevin Platt was appointed as Water Safety Instructor.

Motion carried unanimously

Resolution # 220 - Authorize Municipal Repairs to Scrap Highway Vehicles

On a motion by Councilwoman Osborn

Seconded by Supervisor Fleming

Resolved: Municipal Repairs is authorized to scrap the following vehicles to Brookfield Auto in the amount of \$11,250:

Highway #20 – 2HTTGJ3TXHC007419

Highway #105 – 1B7KM26Z6KS016449

Highway #106 – 1GCGR23J2JJ145105

Highway #109 – 2FTJW35HXPCA97004

Highway #112 – 1B7FD14H5HS335016

Highway #44 – 1 GCGK24ROVZ241251

Highway #104 – 3B6MF36621M555497

Sanitation #19 – 4VMDCLMEXVR742445

Sanitation #15 – 1GBJK34NXSE182015

Motion carried unanimously

Resolution #221 - Authorize Municipal Repairs to Auction Highway Vehicles

On a motion by Councilwoman Osborn

Seconded by Councilman Tierney

Resolved: Upon the recommendation of the Highway Superintendent who will be subcontracting blacktop paving A 1985 blacktop paver and a 1980 GMC 6000 Series water truck will no longer be needed and may be auctioned with Auctions International.

Motion carried unanimously

Resolution #222 - Amend Resolution #190

On a motion by Councilman Tierney

Seconded by Councilman Huestis

Resolved: Resolution #190 is amended to read:

Dyna pac Roller \$15,795.00

18ft Heavy Duty Trailer 6,741.00

Smaller trailer for roller 3,286.00

Refurbish of Cat Loader 53,744.00

Total \$79,566.00

Motion carried unanimously

Resolution #223 - Rescind Resolution #134

On a motion by Councilman Tierney

Seconded by Supervisor Fleming

Resolved: Resolution #134 was rescinded.

Motion carried unanimously

Resolution #224 – Authorize Supervisor to Execute Fireworks Contract

On a motion by Councilman Tierney

Seconded by Councilman Huestis

WHEREAS, Fireworks Extravaganza has presented a Contract and Required Insurance Information sheet for a Fireworks Show on July 5, 2014 to the Town of Kent; and

WHEREAS, the Town of Kent would like to hire Fireworks Extravaganza to provide them with a Fireworks Show on July 5, 2014; and

WHEREAS, the Town Board wishes to execute Fireworks Extravaganza's Contract.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves and authorizes the Supervisor to execute the Contract and Required Insurance Information sheet on behalf of the Town of Kent, not to exceed \$5,000.00.

BE IT FURTHER RESOLVED, that the Town of Kent Supervisor is hereby authorized to execute any and all documents necessary to complete the Contract.

Motion carried unanimously

Resolution #225 - Table -Advertise for RFP

On a motion by Councilman Tierney

Seconded by Councilman Denbaum
Resolved: Advertise RFP was tabled.
Motion carried unanimously

Authorize Supervisor to Execute Lease with NYCOMCO & Goosetown

On a motion by Councilman Tierney
Seconded by Councilman Huestis for discussion

Councilman Tierney understood that the Police were to continue the lease with NYCOMCO but the other departments were changing to Goosetown. Town Counsel Curtiss thought the same too but when he spoke with the Highway Superintendent, Parks and Sanitation were going to remain with NYCOMCO. Councilman Tierney thought it should be the whole fleet. The board was in agreement.

Resolution #226 - Table – Execute Lease with NYCOMCO & Goosetown

On a motion by Councilman Tierney
Seconded by Supervisor Fleming
Resolved: Execute Lease with NYCOMCO and Goosetown was tabled.
Motion carried unanimously

Resolution #227 - License Agreement with Virtual Towns and Schools

On a motion by Councilman Huestis
Seconded by Councilman Denbaum

WHEREAS, Virtual Towns and Schools has presented a License Service Agreement for the new Website for the Town of Kent; and

WHEREAS, the Town of Kent has requested that Virtual Towns and Schools provide them with the design, implementation, development, training, deployment, hosting and support of said Website; and

WHEREAS, the Town Board wishes to execute Virtual Towns and Schools' License Service Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves and authorizes the Supervisor to execute the License Service Agreement on behalf of the Town of Kent.

BE IT FURTHER RESOLVED, that the Town of Kent Supervisor is hereby authorized to execute any and all documents necessary to complete the License Service Agreement.

Motion carried unanimously

Resolution #228 - Table - Lake Carmel Park District Advisory Board Members

On a motion by Councilman Huestis
Seconded by Councilman Denbaum
Resolved: Lake Carmel Park District Advisory Board Members was tabled.
Motion carried unanimously

Resolution #229 - Approve Vouchers and Claims

On a motion by Councilman Huestis
Seconded by Councilman Denbaum

Resolved: Voucher #200128421 - #200128647 and claims submitted by:

1. Resolved Arkel Motors	\$7,060.25	Auto Parts
2. Broadview Networks	\$2,550.59	Telephone Service
3. Cornerstone Appraisal Assoc.	\$3,000.00	Wetlands
4. Global Montello Group	\$8,055.30	Diesel
5. NYCOMCO	\$2,604.00	2 Way Radio: Police
6. NYSEG	\$2,044.05	Electric: Police Dept.
7. O'Connor Davies LLP	\$26,550.00	Financial Statements
8. Pine Bush Equipment	\$3,920.00	Hammer Rental
9. Robison Oil	\$3,599.16	Oil: Highway
10. Royal Carting	\$4,841.75	Recycling Garbage
11. Town of Kent Municipal Repairs	\$27,897.95	Chargeback's: Highway

In the amount of \$373,957.67 were approved.

Motion carried unanimously

Resolution #230 – Approve Merritt Construction Voucher

On a motion by Councilman Huestis
Seconded by Councilman Denbaum

TOWN BOARD MEETING OF MAY 6, 2014

Resolved: The Claim submitted by Merritt Construction in the amount of \$227,105.25 for the Route 52 Sewer District be paid.

The board took a poll vote as follows:

Councilman Denbaum – abstained Councilwoman Osborn – aye

Councilman Huestis – aye Councilman Tierney – aye

Supervisor Fleming – aye

Motion carried

Public Comment

Mrs. Tisi a Kent resident thanked the board for the information posted on the website, she was totally knowledgeable throughout the meeting.

Resolution #231 – Adjournment

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: The Town Board meeting of May 6, 2014 adjourned at 9:26 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli
Town Clerk