

TOWN BOARD MEETING OF MAY 20, 2014

A regular meeting was held at the Kent Town Center, 25 Sybil's Crossing, Town of Kent, New York 10512.

Resolution #232 - Open the meeting

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: The Town Board meeting of May 20, 2014 was opened at 6:40 p.m.

Motion carried unanimously

Resolution #233 - Adjourn to Executive Session

On a motion by Supervisor Fleming

Seconded by Councilman Tierney

Resolved: The Town Board adjourned to executive session to discuss disciplinary action against an employee at 6:40 p.m.

Motion carried unanimously

This section of minutes taken by Town Counsel Curtiss: Discussion took place concerning a Lake Carmel Sanitation employee currently under a last chance agreement. Board reviewed and discussed a positive drug test report and the last chance agreement.

Resolution #234 - Terminate Employee

A motion was made by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: Said Employee of the Lake Carmel Sanitation was terminated per the last chance agreement. Motion carried unanimously

Resolution #235 - Adjourn Executive Session

On a motion by Councilwoman Osborn

Seconded by Councilman Tierney

Resolved: Executive session adjourned at 7:12 p.m.

Motion carried unanimously

Stormwater Annual Report Presentation

Bruce Barber, the Town's Stormwater and Wetland's Consultant, stated this is a requirement to be submitted no later than June 1st, to DEC. It is the chronicle of elements and performance that the Town has conducted over the prior year to comply with the requirements of the MS4, our municipal separate storm sewer system permit we have with DEC. In addition, the Town of Kent almost totally located in the East of Hudson Watershed has 2 components to the Annual Report, 1 is the standard annual report required by all MS4s and an Addendum attached at the end that asks some additional specific questions regarding phosphorus reduction, methods and considerations as part of our location in NYC DEP East of Hudson Watershed. Before he reviews how the Town conducted these 6 Minimum Measures that are part of the compliance component of the permit, he acknowledged the fact this is a summary of the work of the Town employees and departments in the Town of Kent. This work reflects their good work throughout the year and basically sets forth how they work together and with him to assemble this information in order that we maintain in compliance with the permit. They all do an outstanding job incredibly cooperative and helpful in making sure each year we are in compliance and he wants to acknowledge them at this time.

The Annual Report and Permit are comprised of 6 minimum measures; these are standard set by DEC that has to be followed. The DEC Permit is several hundred pages long, he is going to summarize how we did on each minimum measure, very briefly and if there are any questions he asked to let him know.

Minimum Measure No. 1 has to do with public education a requirement that we inform the public regarding the pollution characteristics and preventions that pollution of storm water. Basically we have an operation where during our consultant meetings each month they discuss with different applicants, consultants, architects, engineers, contractors the requirements of the Town and of them and their permits for storm water so they trained 21 site operators. They had 78 attend public events regarding storm water and they had 321 brochures that were disseminated all about different storm water components.

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Minimum Measure No. 2 is public involvement, meaning the people are given an opportunity to respond to, comment on storm water program. This evening, this is a component of that public involvement. They invite comments from the public upon completion of his discussion tonight and the question and answer period, if necessary. There were 32 in attendance at several meetings; they had 175 attendees at stake holder meetings where it involved storm water issues. They had the annual report presentation, they have a town website and they also had the annual report which would be posted shortly on the town website for review.

Minimum Measure No. 3 is about illicit discharge detection and elimination or IDDE. Basically non storm water discharges to the storm water conveyance system, they had 2 recorded illicit discharges this year, both of them from washing machines discharging into the storm water system, both were corrected. They had 150 outcalls inspected, meaning pipes that are discharging from a variety of storm capture systems into wetlands, water courses or other conveyance systems, 150 were inspected.

Minimum Measure No. 4 is construction site inspection. Every single application before the town is reviewed to determine if it meets the threshold requiring storm water permitting. They are reviewed by the consultants and specifically by the town engineer and they, at times, have to require a storm water plan to comply. They had 7 stormwater pollution prevention plans that were submitted and 100% were inspected and reviewed by the town engineer. They also go to construction sites and conduct inspections all the projects in the town have been inspected more than once. We inspect the plans and once they start we are inspecting the work to make sure that they comply with the approved plans. As far as compliance, there were 2 notices of violations, 1 stop work order and 3 enforcement actions this past year.

Minimum Measure No. 5 has to do with post construction management that is what you see driving up the driveway to the Library and Town Hall all of these depression areas which store storm water management treats storm water from run off before it's discharged into receiving water. They had 6 filtered type systems inspected two are maintained by Highway. They had 3 infiltration basins inspected and 2 were maintained. They had 154 open channel areas inspected in town last year of which 75 were maintained and they had 11 wet ponds inspected which 1 required maintenance.

Minimum Measure No. 6 has to do with is known as good housekeeping or storm water management for municipal operations. This past year 5 acres of parking lots were swept, 206 road miles were swept, 462 catch basins were inspected and cleaned as necessary, 25 post construction practices were inspected and cleaned as necessary. They use zero pounds of phosphorus containing fertilizer on lawn areas in town. They had training for approximately 20 municipal employees. The additional measures at the end are questions with respect to phosphorus types of technique used. As discussed earlier, last month, with regard to East of Hudson projects, there are 2 additional projects slated to be installed in Kent by the end of the 5 year period this year. One is at Putnam Stone which is under design and 1 is an expansion of the 311 basin you see coming off 84 down 311. They are looking with respect to East of Hudson as a group, 19 towns and villages to remove 459 ½ kilograms. They have received the annual report from the East of Hudson and they are on track. The Board of Directors just voted to allocate a certain amount of money to maintain these basins instructions moving forward and shortly will be entering into negotiations with DEP for future funding for the next 5 year cycle.

In summary that is where they are and wanted to reiterate the employees and staff and the people in the Town of Kent have done a tremendous job in working hard to develop this information to ensure we are in compliance for this year. He asked if there were any questions.

Shauna Denkensohn a resident had 2 questions, this winter with a lot of salting being used what kind of testing was done for that and was anything done for automotive related pollutants a big concern for DEP as she was employed with them. Mr. Barber said the Highway Dept. is very careful in terms of how salts are applied, a part of the format is they have to ensure they are calibrating the spreader properly and proper training for people operating salt spreaders, sometimes it's unavoidable and you'll see rather large bumps in the road with salt deposit usually they shifted gears. Everybody is trying very hard to maintain a small level of salt necessary to ensure public safety. You'll find the amount of salt compared to several years back somewhat limited. DEP is also advocating something down the road reduced salt zones where under certain conditions around the reservoir for example where there's not much hills basically can get by with less salt actually designate that in terms of the

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planning process, they are also requiring salt to be covered as necessary during the use months. Also, the content of salt in certain elements that are put down ahead of snow the brime material has to be approved by DEP. They were using something called magic which ended up having a high phosphorus content that is now disallowed. There is a lot being done, but being mindful of public safety, is important. As far as oil and grease, yes, if there is something happening where they are getting runoff and they see runoff coming from, for example, a gas station or what have you. They have in the past had them do certain measures to protect and insulate grease such as install oil and grease separators or catch basin while making sure they have all the containment components ready, there's people who know how to use it so even a small spill, less than reportable 5 gallons spills, are addressed.

Councilman Denbaum asked if there are any salt requirements in place, reduced zones or the level of salt we use. Mr. Barber stated right now it is not a requirement but is something they are looking to work with the towns to see if that can happen. Presently they assure everything is properly calibrated and the minimum amount of salt will go down to ensure we have in mind public safety.

Mr. Barber said based on public comments he will finish up and add those into the annual report. It will be introduced back to the town and uploaded to the Town's website and with the Board's permission give the Supervisor authorization to sign the report, so DEC's receives it by June 1st.

Councilwoman Osborn asked if the 1 stop work order was remediated. Mr. Barber stated he would check, he believes they are still working on the remediation.

Public Hearing - Sewer Use Law

Town Clerk Cappelli read the Public Notice. Supervisor Fleming stated a Sewer Use Law was passed in December 2013. The changes were on the website and consisted of 2 main types. One of the changes that appeared in the Sewer Use Law referenced the Town as being liable and responsible for certain actions. This is a Sewer District the Town should not be in a position to be liable for this District. Every place that referenced liability or responsibility for the Sewer District "Town" was removed and "Sewer District" was put in its place. Another point is the definition of who is on the Advisory Committee; the former law said the Advisory Committee had to be residents of the District and a Town Board Member. She amended it to say a Town Board Member does not have to be a resident of the Sewer District. The Inspector's position was questionable and added is the Inspector shall be the Building Inspector for the Town of Kent unless the Town Board authorizes another individual to act in his capacity, the proportion of salary of the Building Inspector for time spent performing the functions of the Inspector for the Sewer District shall be charged back and paid by the Sewer District. Supervisor Fleming stated we should keep this Sewer District a separate entity. In section 303, they took out "no person shall discharge sewage into wells unless such discharge is authorized and permitted under State or Federal Law". Another major change is the section of law that dealt with various toxic chemicals that allowed those chemicals to be placed in the sewer system if there were a permit or permission she suggests all that be taken out. We should ban any of the toxic chemicals listed in that section of law from being discharged into the sewer system at any time. Supervisor Fleming asked for questions or comments.

Erika Nitz, a member of the Board of Hill & Dale, asked what is that tertiary treatment plant going to treat does it treat heavy metals, medications and who is in charge of the plant. You're saying the Sewer District but they saw memo's the Homeowners Association of Kent Manor is in charge and that Homeowners Association doesn't exist she is part of her Homeowners Association and doesn't think anybody is qualified to run a sewer plant. Town Attorney Curtiss stated question No. 1 is yes, the plant will treat everything, medications they don't anticipate heavy metals, but if so they would treat that. They have to turn out a discharge that is drinking water quality. The Association will not be running the plant there is a separate Transportation Corporation running the plant and responsible to the Sewer District, to the Town Board, DEP and the DEC for monitoring requirements

Shauna Denkensohn, a member of the Hill & Dale Board stated this is the first she heard about transportation corp. Town Attorney Curtiss explained under municipal law they set up a transportation corporation which is the entity which will own the plant and actually run the plant and be responsible to the regulating agencies. She asked who owns that corporation. Town Attorney Curtiss said it's the majority of stockholders by the principals in Kent Manor. She asked if DEC and DEP would be monitoring the water quality. Town Attorney Curtiss said yes. She

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asked if there is a document that lays out some of these questions. He said yes, the principal document a SPEDES Permit issued by the Department of Environmental Conservation sets forth guidelines of the operation of the plant, how the waste water has to be treated, the requirements of the treatment of the waste water at that point and time. There are others but that's primary. She asked if there is an emergency plan for power outages. Town Counsel Curtiss replied there is an emergency diesel generator, 1 on Route 52 and diesel generation for the plant itself and emergency backup. She noted there is a \$200,000 bond put aside for DEC for protection and water quality of Palmer Lake. Town Attorney Curtiss stated he does not believe it's a bond; the DEP and the developer are both required to pay \$100,000 each totaling \$200,000 for water quality enhancements in Palmer Lake that is how the SPEDES Permit reads. She asked it's to construct. Town Attorney Curtiss said they would do is a study, they would go to your Homeowners Association and they would recommend enhancements and improvements to your lake for runoff and things like that they are obligated for \$200,000 worth of work to enhance Palmer Lake. She wanted to know the time frame and if it's DEC or DEP. Town Attorney said it's DEC and does not know the time table. She asked to reach these people to start working collaboratively with Hill & Dale community right now. They are thrilled someone is going to be monitoring this, they are thrilled the County put in a law about cleaning septic tanks, they recognize what they're doing but are concerned about the quality of water coming into the lake as a pollution expert with a master degree she understands tertiary treatment but would like to see the document that they must clean for. She thinks in the spirit of fellowship she would hope the transportation corporation would be involved in this since they are generating what they end up swimming in.

Jim Mulvena stated years ago he worked for a corporation and his boss based her report on its weight not its contents. She would have loved this law, it's big and thick but it doesn't behoove the taxpayers of the Town of Kent. He agrees for 64 properties in this sewer district, the Town of Kent should not be responsible for the financial backing should something happen. He does not know where the Town Board or legal department was when this was put together. When you see the list of heavy metals going to be allowed in the system, it reads like a super fund. He questioned, because it's thick whether anybody looked at this and likes you're going to correct it.

Supervisor Fleming stated we need public comment. She wanted to put this through because the project was to have been completed but it's not. Councilman Huestis asked if the 64 properties owners in the Sewer District had been notified of the public hearing the businesses and Hill & Dale Association. Supervisor Fleming stated people weren't individually noticed, the Town Clerk published the Notice of Public Hearing, it was mentioned in the last meeting. Town Clerk Cappelli stated they never notified each individual homeowner or in this case District. It was in the newspaper and on the website. Councilman Huestis said if it was a zoning change the Zoning Board would send a letter notifying them. Town Attorney Curtiss stated when the District was first formed; every homeowner in the district was given specific notification by letter. Subsequently, with the Sewer User Law and other things he does not think specific notice has been given to them. They had to estimate for them the anticipated costs; they each received a map plan report. Councilman Huestis asked so when the bill comes in the mail they'll know about it. Town Attorney Curtiss said yes. Councilman Tierney does not see any reason for the delay, everyone on the Board is in favor of the changes. Supervisor Fleming stated we should give an opportunity for the public to be heard. Supervisor Fleming stated the problem is the Town does not own the plant, we bought capacity in the plant this law is for what we the Town are building ultimately owned by the Sewer District it's basically the conveyance and the pump stations to get the waste to the treatment plant. The treatment plant is not the Town's we don't have the same control over that as we do at what goes into the Sewer District. What comes out they say is drinking water. She is hoping they are right and it is drinking water quality. Councilwoman Osborn commented when first talking about what type of plant it was to be, the plant had been approved by DEP, many years ago, before Kent Manor, their permits were already in place. She said it was going to be of the most scientific caliber, a membrane type of filtration supposedly the best type of filtration system in use today, not to say down the road something is going to be better. Shauna Denkensohn understands the technology but has moved a little bit beyond that in their concerns as to the company running it. She asked what happens if they go bankrupt, what happens if the board says they don't have enough money to do X, Y or Z, what if they defer maintenance. She understands there is a generator, what is the system, how soon does it click on, what guarantees do they have that this company, a private corporation, will do what it needs to do. They were equally concerned when they thought it was the homeowners why would homeowners raise their own taxes or dues to protect somebody else's water. They're hearing best technology, if you're going to have heavy metals in it, it does not belong here. This corporation run by we don't know whom, with a budget we don't know anything about, with contingency

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plans they have no knowledge of, what happens when. She thinks that is a very viable concern. Councilman Denbaum commented that this is the first they're hearing about these documents. There was a Public Hearing on an unrelated matter DEP land being open for hunting next to the Sedgewick Club. There was no notice given other than the standard notice, everybody concerned about hunting in their backyard called the DEP, they did their homework. He understand there's a lot to take in but to a certain extent if the public has particular concerns about who is this person and what is this document would have looked through the documents and come to the meeting. Shauna Denkensohn stated they had a Board meeting Sunday it was their understanding and knowledge it was a homeowners association of non existence homeowners going to own this. Personally, sewers can be a good thing but most sewage plants are run by a municipal entity answerable to the citizens and can be voted in or out there are people running who are members of unions who are qualified, when it is run by a private entity she wants to know where are the protections. Councilman Tierney stated they have to be a licensed by the State to run the plant; he has to have a license and qualifications to run the plant. She asked will there be staff to run it and will it be 24 hours. Town Attorney Curtiss commented under the current budget it is suppose to be monitored 24 hours and staff on board 24 hours. Shauna asked who authorizes that budget. Town Attorney Curtiss answered, the Town Board. He noted they originally present it to the Town Board, DEP and DEC all of which have to approve it, the technical specifications DEP and the DEC, any rate increase and anything the Town Board approves. Shauna asked if the operating budget for the sewage treatment plant is set by the Town of Kent and this private company must do that. Town Attorney Curtiss corrected her the budget initially by the transportation corporation, they then have to get it approved by the DEP and DEC which is what they had to do and then the DEC and DEP makes the recommendation to the Town Board on the technical side that is appropriate. Shauna assumed the budget submitted was based on homes being at Kent Manor. Town Attorney Curtiss said no, budget right now is simply the operational of the plant with just the Sewer District flows. There is no budget yet for the homeowners because nothing is built yet. Ultimately, yes. Shauna asked how often this budget is approved. Town Attorney Curtiss answered, annually. Shauna asked if 5 homes are added to the affluent going into the sewage treatment plant the budget would go up the corporation will have to do this. She asked is there a plan if the corporation declares bankruptcy. Town Attorney Curtiss said yes, it will be taken over by the Town. Councilman Tierney commented that happened to the Kent Water District #1. Councilman Tierney said when his Development was built there was a public water company that supplied the water, the Prince Water Company, it went bankrupt and fell to the homeowners and that's when Water District #1 was formed it is totally funded 100% by the residents within that district, 104 houses. They generate their water and whatever the cost is for the year is budgeted with a cushion for contingencies and an emergency happens like in the past and they need an influx of funds, they borrowed money from the Town and pay it back. Councilwoman Osborn commented that is the same with Water District #2, if something should happen to that Sewer District it would be taken over, the revenue would be obtained through taxes just for the Sewer District. Shauna stated, the people who will be taxed to make it work are the people who are benefiting. Town Attorney Curtiss and Councilwoman Osborn confirmed. Shauna asked if Hill & Dale is in the Sewer District. They said no. Shauna said therefore the Sewer District would be getting taxed for a benefit that would be only for Hill & Dale. Councilman Denbaum, Councilwoman Osborn and Town Attorney Curtiss said no. Councilman Denbaum said the parcels that utilizes the Sewer District wanted the benefit to not to have to use the septic and pump it every month or whatever the case maybe. They will get the benefit of having the Sewer District. They are the beneficiaries of the Sewer District and Hill & Dale is the third parties. Shauna stated the purpose of the Sewer District is to take it away from them, clean it and give it to us. Town Attorney Curtiss said no, not exactly. He stated the Sewer District is to collect the sewage in a drainage impacted, most of the 64 properties that encompass the Sewer District their systems are failing in order for us to get the DEP and DEC funding the engineers established by creating a sewer district and treating this sewage in a plant they were cleaning up a bad area in terms of sewage discharge which also improves the surrounding water bodies also improves streams. Shauna stated to a home owner's view is, they turn on water faucet it goes out, flush the toilet it goes out and whether it goes into their septic tank that she paid \$200.00 every 5 years to clean or it goes into the sewer treatment plant. Town Attorney Curtiss stated if your septic system is failing is the problem. Councilman Tierney said NYC DEP is not going to allow untreated affluent to flow into their reservoir; it's not going to happen. Supervisor Fleming said the promise benefit to Palmer Lake is we're going to have this beautiful crystal water coming from the sewage treatment plant. You have the benefit from being in the District because you don't have to repair if your septic is failing, you don't have to have your septic pumped or have to worry about leaching fields, like living in a city, you don't have to think about where

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your waste goes, you don't have to take care of it, it goes away. That is the benefit for the people in the District being sewered. Shauna totally recognizes it. She said but if something happens they are not going to vote for it. Town Attorney Curtiss stated they will not have a choice; DEP is going to make your choice. Councilman Huestis stated they're going to be at the entrance of Palmer Lake to make sure that there's no pollutant. Shauna stated if they get tested once a year they'll be lucky. Town Attorney Curtiss stated the plant is going to have to maintain records of their outflow the DEP and DEC do random testing. How often he doesn't know he said this water is ultimately going to NYC drinking system so if that filtration plant breaks for whatever reason, DEP will require them to bring it back up to its original. Shauna argued it's a long way before it gets to the drinking water. Town Attorney Curtiss said no it is close and DEP is very concerned about it that is why they put money into the system. They are investing probably \$3m to build this because they saw it as an impaired drainage basin. Erika Nitz asked if it's up to the plant to maintain the records of the outflow and the DEC is going to trust they are accurate. Town Attorney Curtiss stated they'll do their own independent testing but the plant has to maintain records every single day of their affluent, chemicals used, what came through, what came out and then the DEP and DEC will randomly test those results to make sure their accurate.

Maureen Killilea a resident of Hill & Dale commented they have been through a lot, it was said the Sedgewick Club did a lot of work and very proactive. Some of the Board was not around in 1990s, Hill & Dale packed the old room several times, they have always been active, they care about their lake, they have been beat down, they have been personally sued, it has been a long road for them with Kent Manor and now this. How much more can we do to protect our homes and environment? Because we are not packing the room tonight doesn't mean they don't care. She wants the new Board to know Hill & Dale has always been pro their community and not doing our homework. Councilman Denbaum did not mean it that way, there are a lot of questions about this his point is the documents have been available for a while. The original Sewer Law was discussed before the beginning of the year, the first Town Board meeting he came to it was available. He is saying there has been a lot of information out there for a while and in a similar situation another group of home owners had peruse through whatever it was in front of them and came to the Board with specific questions about specific things and not general questions. Mrs. Killilea said as part of their Board, they depend on the Board to be there with them. They have been shot down, they thought they had DEC and DEP behind them with Kent Manor. And, now were having this jammed it is difficult. Councilwoman Osborn stated she has been here a long time and remembered the 1983 lawsuit when everyone was fighting Kent Manor, unfortunately that lawsuit was lost. The saving grace was Kent Manor under the prior ownership went belly up and stayed vacant for many years to everybody's joy. However, once the DEP and DEC approved that sewage treatment plant, regardless when it was going to go in it was going to go in at some point. She said the reason the sewer district was formed basically was the chance for commercial development along Route 52, everybody wants to see commercial development, there's a lot of vacant land. It was the Board's chance to say, let's take a bad situation and turn it around and make it something good for the Town and the tax payers. Lake Palmer would have had this sewer treatment plant affluent regardless of the Sewer District. Councilwoman Osborn said they have been guaranteed and knows guarantees do not always go the way you want but she thinks the DEC and DEP cares about the NYC Watershed and not going to ignore this. She thinks they'll be watching it carefully. That is NYC drinking water. The Board has been told and promised the affluent going into Lake Palmer is going to have less phosphorus because of this sewage treatment and because of the Sewer District. That Lake has problems right now they know there is sewage going into that Lake. She hopes somewhere down the road Hill & Dale may be able to hook up because it would be to your advantage that is something your Homeowners group would have to investigate and go into negotiations down the road. Mrs. Killilea stated we talk about failing septic's on Route 52 was anybody fined, did we monitor it, were they penalized. Councilwoman Osborn said yes, the County did. Mrs. Killilea asked do those property owners have to clean the mess up do we test the property, the dirt, land. Councilman Tierney stated as they're installing the pipes they're coming across petroleum products. Mrs. Killilea said it's an old dump at one time people were taking out soil and buying it without having it tested. She wanted to make sure the people realize they do care and will continue to do whatever they need to do. Supervisor Fleming said the Sewer Law as it was written and passed had a provision for an outside company to come in as a selling capacity because it's a money generator, in the draft that has been removed. Everyone knows her feelings about the Sewer District and Kent Manor, now she wears two hats a hat of a Hill & Dale resident who if sitting there would be saying these things and she wears a hat of the Town Supervisor the work was already started and has to be fiscally responsible for the Town she doesn't

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think we have to allow people outside the District to come and pump more sewage in. She thinks the theory behind the District in her Supervisor hat, which she hopes is true, that it's going to lure businesses to the Route 52 corridor and this would be a success. She doesn't think we need an escape valve of having somebody truck in waste that may contain noxious chemicals. There are some changes, she feels the best we can do with this law is to change the things, definitely going to be harmful, including these chemicals, whether or not you have a DEP and DEC permit, to limit the language to make it the Sewer District's responsibility and not the Town's because she doesn't think we all need to bear the burden of this District and feels at this point she would like to adjourn the Public Hearing for two weeks.

Jim Mulvena commented on the construction of the waste water plant, the plant would not have been built had we not given them the money to build it. There's not going to be a house put up there for years. The economy for real estate is down. We are paying 90% of the costs for that plant so a developer can develop it, he doesn't feel that's good for tax payers. We're paying the whole freight. In listening to what's going on, it begs the question if the Water District is just for the people in the Water District and its combination why did we write the Sewer Law that put the financial burden on the Town. He referred to two Board Members there at that time. Councilman Tierney stated it was through DEP and DEC, they were the lead, and we hired professionals and went with the professional's advice. Mr. Mulvena asked didn't you think it odd the Sewer District was held by the whole Town. Councilman Tierney stated you can write what you want the Town is going to get dragged into Court no matter what the Town is the deepest pocket. Mr. Mulvena said this commercial district, 9 properties 2 of the properties haven't paid taxes since 2001, we're including people they can't pay their taxes how are they going to pay their sewage bill nobody looked at the parcels we're including. Deduct 9 from 64 you have 55 that has to cover those 9 it's going to seed itself, he would like to have a 52 corridor but its blinded no one is going to build there. He said the property owners didn't push the Sewer District, the previous council pushed this. He didn't read where there was a group of people on 52 holding signs "I want a sewer district". Councilman Tierney stated the Chamber of Commerce agreed with it. Mr. Mulvena said the Chamber of Commerce is not elected by the tax payers of the Town of Kent. If it becomes a financial whale, are they going to come in and kick money in? Mr. Mulvena guarantees the first people to sue us are those people saying they didn't want this.

Shauna Denkensohn asked could we put in the law or does something exist in the law where an independent contractor could be hired to monitor the quality of the water coming out of the treatment plant. Town Attorney Curtiss said the DEC and DEP would monitor. Ms. Denkensohn does not believe they will why not have that flexibility built in. If DEC and DEP do exactly what they say they're going to do fantastic but why not build in the flexibility to protect us. Supervisor Fleming stated this law deals with the inflow not the outflow this is the piping and the system to process to the sewage system treatment plant is what is going to be owned by the Sewer District. Ms. Denkensohn said we have the right when it leaves the pipe on Town property, we could test it. Town Attorney Curtiss said the outflow pipe is on the Kent Manor parcel and eventually goes to the stream and down to Palmer Lake. Supervisor Fleming stated they are having another stake holders meeting next Tuesday with DEC and thinks a lot of these issues can be addressed with DEC. Councilwoman Osborn suggested the Putnam County Health Department be called for additional testing. Erika Nitz stated if we chose to fund to test it ourselves they would like that opportunity because their children are swimming in this lake, what's wrong with that. You rely on the government agencies, as you know, things take a long time, this meeting is taking a long time, put it on the homeowners. Councilman Denbaum stated you would have to have easement over private property and you have to have the property owner where the sewage plant discharge pipe in on to agree to that and agree to an easement. Town Attorney Curtiss said you can test the lake anytime and if you went to the outflow pipe if you got the easement you can test anytime.

County Legislator, Lou Tartaro suggested similar to the Kent Land Fill which gets tested once a year by an independent outfit, a comprehensive test might be \$600-\$800 range that it might be worth it if there's a concern. In fact a random yearly or maybe quarterly you're going to have an expensive \$400-\$500 to do it yourselves he does not think if you approach Kent Manor they would not necessarily be in favor of the random testing. He was on the Town Board and did vote for the project. He felt relatively confident in fact the testing built into plan would be adequate. But if the neighborhood wants to take that additional step, he wouldn't just say you can't do it and Town Attorney Curtiss confirmed. Lou went on to state in being specific directly at the outflow pipe of the plant because their testing for the downstream and it could've been contaminated, they'd want to make sure and he

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agrees that they should if they want to take this extra step they should be allowed and he asked Town Attorney Curtiss to contact them to see if that's something do-able.. Councilman Denbaum added in that case it wouldn't be a Town Board issue it would be private organization and private property owner allowing for the testing of the pipe. Lou said yes but again it wouldn't like Joe citizen went there just like the Town goes out to bid; he thinks that if the Town hires an independent outfit to take the sample that is going to be legitimate.

Supervisor Fleming asked to have the written comments emailed to supervisor@townofkentny.gov or send to Town Clerk's Office at 25 Sybil's Crossing, Kent Lakes, NY 10512 or both. She said the Public Hearing will remain open to basically reconsider the written comments. Town Clerk Cappelli informed the public the Sewer Law is available online, the adopted code is available on eCode, and the amended code with the changes is on the home page on the right hand side. Supervisor Fleming apologized she wanted to get up some additional comments changes to the law kind just inbred in there but feel free to send comments on any parts of the law.

At 8:30 p.m. the Board opened the Workshop Meeting and discussed all the items on the agenda.

Salute to the Flag – At 10:00 p.m. Supervisor Fleming opened the meeting 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, Highway Superintendent Rich Othmer, County Legislator Lou Tartaro, Lieutenant Oster, Recreation Director Lou Fernandez, Planning Board Chairman Mike McDermott

Advertise for RFP for Attorney Services- Tabled

Resolution #236 - Sign Lease agreement with Goosetown Communications

On a motion by Councilman Denbaum

Seconded by Councilman Tierney

WHEREAS, Goosetown Communications has presented a Rental Agreement for equipment and services to the Town of Kent for the Kent Highway vehicles, Park and Recreation vehicles and Sanitation vehicles; and

WHEREAS, the Highway Superintendent has requested to use Goosetown Communications for the communications equipment in the town trucks; and

WHEREAS, the Town Board wishes to follow the recommendation of the Highway Superintendent and lease radio communications equipment from Goosetown Communications for all of the Town trucks.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves and authorizes the Supervisor to sign the Goosetown Communications Trbo Voice Rental Agreement which is attached as ***Exhibit A*** with the Town of Kent for a period of sixty (60) months not to exceed a rental of \$3,600.00 per month.

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

Motion carried unanimously

Resolution #237 - Municipal Repair - Promotion Lead Mechanic

On a motion by Councilman Denbaum

Seconded by Councilman Tierney

Resolved: Fred Verity is promoted to Lead Mechanic of Municipal Repairs, with no budgetary impact.

Motion carried unanimously

Resolution #238 - Planning Accept Erosion Control Bond Frangel Realty

On a motion by Councilwoman Osborn

Seconded by Supervisor Fleming

Resolved: On the recommendation of the Planning Board the Erosion Control Bond for Frangel Realty Tax Map #33.48-1-6, in the amount of \$10,500.00 was accepted.

Motion carried unanimously

Highway - Budget Transfers- Tabled

Resolution #239 - Highway Department – Hire Summer Help

On a motion by Councilwoman Osborn
Seconded by Councilman Tierney
Resolved: The Highway Superintendent is authorized to hire summer help.
Motion carried unanimously

Resolution #240 - Add Authorize Supervisor to Sign MS4

On a motion by Councilman Tierney
Seconded by Councilman Huestis
Resolved: Authorize Supervisor to Sign the MS4 report was added to the agenda.
Motion carried unanimously

Resolution #241 - Add Appoint Stormwater & Wetlands Consultant

On a motion by Councilman Tierney
Seconded by Councilman Denbaum
Resolved: Stormwater & Wetlands Consultant was added to the agenda.
Motion carried unanimously

Resolution #242 – Authorize Supervisor to Sign the MS4 Report

On a motion by Councilman Tierney
Seconded by Councilwoman Denbaum
Resolved: The Supervisor is authorized to sign the 2014 MS4 Report.
Motion carried unanimously

Resolution #243- Appoint Stormwater & Wetlands Consultant

On a motion by Councilman Tierney
Seconded by Councilman Huestis
Resolved: Bruce Barber of Cornerstone Associates is appointed as the Stormwater & Wetlands Consultant.
Motion carried unanimously

Resolution #244 - Approve Vouchers and Claims

On a motion by Councilman Huestis
Seconded by Councilwoman Osborn
All vouchers #200128700 - #200128768 and claims submitted by:

1.	Chemung Supply Corp.	\$4,947.20	Spring Pipe
2.	City Carting – Lake Carmel Garbage	\$5,855.59	
		\$4,487.89	
		\$5,953.80	
		\$5,719.55	
		\$5,462.75	
3.	Cornerstone Appraisal Assoc.	\$2,312.50	Wetlands Inspector
4.	Timothy J. Curtiss, P.C.	\$7,446.25	April Traffic
		\$5,200.00	April General
		\$10,062.50	March Traffic
		\$7,768.75	March General
5.	Empire Municipal Equipment	\$2,582.94	Water Pump
6.	Fireworks Extravanganza	\$2,500.00	Fireworks Deposit
7.	Global Montello Group	\$8,055.30	Fuel
8.	KVS Information Systems	\$2,709.08	Quarterly Installment
9.	NYCOMCO	\$2,604.00	2 Way Radio Police
10.	NYS Dept of Civil Service	\$162,038.33	Health Insurance May
11.	O'Connor Davies, LLP	\$8,850.00	Financial Statement
12.	Package Pavement	\$3,756.20	Pot Hole Repair
13.	Pine Bush Equipment	\$15,795.00	Paving Roller
14.	Purchase Power	\$4,194.27	Postage
15.	Tire Buys	\$5,999.94	Tires
16.	Jim Williams Welding	\$4,800.00	Truck #43
17.	Windstream	\$3,671.02	Telephone

In the amount of \$263,961.73 may be paid.
The board took a vote as follows:

TOWN BOARD MEETING OF MAY 20, 2014

Councilman Denbaum - nay, based upon the discussion regarding the Jim Welding Voucher.
Councilwoman Osborn – aye Councilman Huestis – aye
Councilman Tierney – aye Supervisor Fleming agrees with Councilman Denbaum and votes no for item
#16 but aye for the rest.
Motion carried

Resolution #245 - Merrit Construction Voucher

On a motion by Councilman Huestis
Seconded by Councilwoman Osborn
Resolved: The Voucher submitted for Merritt Construction, Inc. in the amount of \$420,522.70 may be paid.
The board took a vote as follows:
Councilman Denbaum - abstained Councilwoman Osborn – aye
Councilman Huestis – aye Councilman Tierney – aye
Supervisor Fleming – aye
Motion carried

Correspondence – Public Comment

There were no questions or comments.

Resolution #246 - Adjournment

On a motion by Supervisor Fleming
Seconded by Councilman Huestis
Resolved: The Town Board meeting of May 20, 2014 adjourned at 10:07 p.m.
Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli
Town Clerk