

TOWN BOARD MEETING OCTOBER 1, 2019

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

RESOLUTION #342 - ADJOURN TO EXECUTIVE SESSION

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

Resolved: The town board adjourned to executive session at 6:08 p.m. to discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation

Motion carried unanimously

RESOLUTION #343 - ADJOURN EXECUTIVE SESSION

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

Resolved: The town board adjourned executive session at 7:15 p.m.

Motion carried unanimously

PUBLIC HEARING – Demolition of Unsafe Building – 69 Clubhouse Drive - TM#33.35-1-46

Building Inspector Walters said during the tornado a tree fell down on this home, the back is completely destroyed. The owner passed away prior to the tornado. He has spoken with the Executor and the bank and was advised that nothing will be done. The building is not safe, the tree has been removed and the grass has been cut a few times. He is receiving complaints. He explained they were notified by certified mail by town counsel. He has bids for removing the building and cleanup and thought it to be done tonight. Town Counsel explained it is usually not done at this time. Councilman Huestis asked how this can remain open space. Building Inspector Walters said there is a narrow period of time they can rebuild within the same footprint. He said the homes that have been demolished have not been built upon yet. There were no comments or representative present. Councilman Denbaum thought this a nonissue but a dangerous condition and suggested closing the public hearing and authorizing the demolition to the lowest bidder. Town Counsel Tagliafierro said a process server personally served the Executor and a certified mailing was sent. The board was assured they received proper notice of the hearing.

Resolution #344 - Close Public Hearing

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The public hearing on the demolition of the unsafe building on 69 Clubhouse Drive, TM#33.35-1-46 was closed.

Motion carried unanimously

Pledge of Allegiance

At 7:00 p.m. the workshop meeting was opened with the Salute to the Flag. To see what transpired at the workshop meeting please see Videos on Demand on the Town's website. www.townofkentny.gov.

Public Comment

Rick Kreps a resident of Lake Carmel asked the board when reviewing the budget to allow for getting assessments to a 100%. He explained when we are not equalized the residents of Kent are paying a higher rate of school tax. He added for full disclosure he is a volunteer trustee on the Carmel Central board of trustees but is talking as a resident.

Maureen Galway- Perotti appreciated the IOC discussion on building height. She said beside the campaign for Stop the Truck Stop the elephant in the room is the developers proposal to mine 54 acres to the depth of 180'. Only New York State can regulate mining and referred to MLRL. She explained the provisions. She said DEC must abide by the local zoning regulations whether they agree or not. Issuing a state permit does not mean that a miner can ignore the zoning or special use permit requirements of the locality. She said they will not process an application for a permit when mining is prohibited. She added most importantly the MLRL is dependent on the proper local planning and zoning, in that regard the MLRL is different than

TOWN BOARD MEETING OCTOBER 1, 2019

any DEC regulatory program, therefore it is incumbent upon local government to zone accordingly. She said the public needs to focus their attention on local officials making sure prospective zoning and planning are accomplished. She said they need the prescription of mining in the town. She found only in the Town's Code language pertaining to mining speaking of soil removal. She inquired if there might be a window for the town to enact a town code that speaks about mining. She asked the board in addition to dealing with the forthcoming zoning amendment to consider exploring defining mining in all IOC districts maybe limiting the depths of mining, could we levy an export tax on rock removal. She asked the board protect them from another Kent Materials project.

Eileen Civitillo explained she did have problems with Kent Materials and did protest. Initially the problem was with the clearing of the forest and they were not compliant with the noise ordinance. She was told they would be but it happened time and time again they mined and crushed. She said people were afraid to get involved. She asked if the mining code could be addressed on the 22nd. Councilman Denbaum explained the process that a law needs to be drawn before but it can be part of a discussion.

Ann Fanezzi, a resident said the town boards today have many unforeseen challenges and referred to the challenges the Town of Carmel and Southeast are having. She said the town board can be very proactive in meeting the challenges.

THE TOWN BOARD MEETING WAS CALLED TO ORDER WITH ROLL CALL

Supervisor Maureen Fleming – present

Councilman Paul Denbaum – present

Councilwoman Jaime McGlasson – present

Councilman Bill Huestis –present

Councilman Chris Ruthven – present

RESOLUTION #345 - ADD ITEM TO THE AGENDA

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

Resolved: Set a public hearing for a Zoning Code Amendment was added to the agenda.

Motion carried unanimously

RESOLUTION #346 - Introduce Local Law # /2019 Amendment to Chapter 77, Article VII

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

BE IT RESOLVED, that an amendment to the Kent Town Code Chapter 77, Article VII regarding permitted height of buildings in the IOC Zoning District is hereby introduced by Councilman Denbaum as Introductory Local Law # ___ of the year 2019 before the Town Board of the Town of Kent in the County of Putnam 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 October 22, 2019, 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 ten (10) day prior thereto.

Motion carried unanimously

RESOLUTION #347 - ADD ITEM TO THE AGENDA

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

Resolved: Hire a grant writing firm was added to the agenda.

Motion carried unanimously

RESOLUTIONS #348 - HIRE A GRANT WRITER

On a motion by Councilman Denbaum

Seconded by Councilman Ruthven

TOWN BOARD MEETING OCTOBER 1, 2019

Resolved: The Supervisor is authorized to enter into any and all agreements with Millennium Strategies to provide grant writing assistance and services at a rate not to exceed \$2,750.00 a month for a period of 12 months effective October 1, 2019.

Motion carried unanimously

RESOLUTION #349 - ACCEPTING QUOTE FOR SHED AT HUESTIS PARK

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

WHEREAS, according to Jared Kuczenski, Acting Director of Recreation & Parks, there is a need for a 12' X 12' storage shed at Huestis Park; and

WHEREAS, consistent with the procurement policy, Mr. Kuczenski obtained three quotes for a shed for Huestis Park, copies of which are annexed hereto and hereby incorporated herein; and

WHEREAS, Mr. Kuczenski recommends that the Town accept the lowest quote provided by Best in Backyards in the total amount of \$ 4,323; and

WHEREAS, the Town Board wishes to accept the recommendation of Mr. Kuczenski.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the quote of Best in Backyards to provide the shed for Huestis Park for a price not to exceed \$ 4,323.

Motion carried unanimously

RESOLUTION #350 - AUTHORIZING TEMPORARY SALES EVENT KENT HISTORICAL SOCIETY

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

WHEREAS, pursuant to Chapter 58 of the Code of the Town of Kent, no temporary sales event may be conducted in the Town of Kent without first applying for an operating permit from the Town Board; and

WHEREAS, Kent Historical Society has submitted an application to conduct a temporary sales event in the form of a benefit sale at its location at 1374 Route 52, Carmel, New York on October 12, 2019 with a rain date of October 13, 2019; and

WHEREAS, the Town Board has reviewed the Application and supporting documentation and finds the Application to comply with the requirements of the Town Code of the Town of Kent in all respects; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the issuance of an operating permit to Kent Historical Society to conduct a benefit sale at its location at 1374 Route 52 on October 12, 2019 with a rain date of October 13, 2019.

Motion carried unanimously

RESOLUTION #351 - AUTHORIZING PURCHASE OF TRUCK FOR SANITATION DEPARTMENT

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

WHEREAS, the Town Board of the Town of Kent has received a recommendation from the Town Municipal Repairs Service Manager, Nicholas Mancuso, and the Lake Carmel Sanitation General Foreman, Eugene Livulpi, recommending the removal of 2011 Mac cab-over-garbage-truck from the current Sanitation Department active fleet and keep the truck only as a spare; and

WHEREAS, Mr. Mancuso and Mr. Livulpi recommend that the Town purchase a Mack

TOWN BOARD MEETING OCTOBER 1, 2019

Granite 64BR-MHD Model Year 2020-21 with a New Way Cobra 25 YD Rear Loader to replace the above referenced vehicle (hereinafter, collectively, the “Vehicle”); and

WHEREAS, the Town Board has been provided with a proposal for a Mack Granite 64BR-MHD Model Year 2020-21 from Beam Mack Sales Service Inc., in the amount of \$115,678.82 pursuant to Oneida County Contract# 2025, and a proposal for a New Way Cobra 25 YD Rear Loader from Long Island Sanitation Equipment Co., in the amount of \$ 65,074.46 pursuant to Sourcewell Contract# 112014; and

WHEREAS, Section 103(16) of the General Municipal Law exempts from competitive bidding purchase contracts for apparatus, materials, equipment and supplies, through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district; and

WHEREAS, in accordance with the Town’s Procurement Policy and the General Municipal Law, the Town Board wishes to authorize the Sanitation Department to purchase the Vehicle consistent with the above referenced proposals;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes and approves the purchase of a Mack Granite 64BR-MHD Model Year 2020-21 from Beam Mack Sales Service Inc., pursuant to Oneida County Contract# 2025, and a New Way Cobra 25 YD Rear Loader from Long Island Sanitation Equipment Co., pursuant to Sourcewell Contract# 112014, for a total amount not to exceed \$180,753.28; 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.

Motion carried unanimously

RESOLUTION #352 - ADD ITEM TO THE AGENDA

On a motion by Councilwoman McGlasson

Seconded by Councilman Huestis

Resolved: A Vehicle Tow fee was added to the agenda.

Motion carried unanimously

RESOLUTION #353 - ACCEPT TOW FEES

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

Resolved: Upon the recommendation of the Chief of Police the attached fees for towing were adopted.

Motion carried unanimously

RESOLUTION #354 - AUTHORIZING CORRECTION OF VIOLATIONS, ACCEPTANCE OF PROPOSAL, AND CHARGE TO PROPERTY OWNERS

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

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

31 Larchmont Road Tax Map 33.50-1-42

35 Larchmont Road Tax Map 33.50-1-44; 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

TOWN BOARD MEETING OCTOBER 1, 2019

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 if the owner does not correct the violations or respond to the Code Enforcement Office within the ten days; and

WHEREAS, consistent with the Town’s Procurement Policy, the Town of Kent requested three 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 proposal submitted on the properties as further outlined below:

31 Larchmont Road	\$ 150	JB Affordable Lawn Care Inc.
35 Larchmont Road	\$ 100	JB Affordable Lawn Care 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., as described above for a total cost not to exceed \$250; 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 #355 - APPROVE INTER-MUNICIPAL AGREEMENT FOR OUTREACH WORKER

On a motion by Councilman Ruthven
Seconded by Councilwoman McGlasson

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

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

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

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

RESOLUTION #356 - ADD ITEM TO THE AGENDA

On a motion by Supervisor Fleming
Seconded by Councilwoman McGlasson
Resolved: Appointment of a Police Sergeant was added to the agenda.
Motion carried unanimously

RESOLUTION #357 - APPOINTMENT OF A POLICE SERGEANT

On a motion by Supervisor Fleming
Seconded by Councilman Ruthven

TOWN BOARD MEETING OCTOBER 1, 2019

WHEREAS, there is currently a vacancy for a Sergeant in the Kent Police Department, and Kevin Owens, Chief of Police, has recommended that Officer Corey Ashe be promoted to the position of Police Sergeant; and

WHEREAS, the Town Board wishes to accept the recommendations of the Chief of Police;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby promotes Corey Ashe of Sergeant of the Town of Kent Police Department.
Motion carried unanimously

RESOLUTION #358 - ADD ITEM TO THE AGENDA

On a motion by Councilman Huestis

Seconded by Councilwoman McGlasson

Resolved: Reintroduce the resolution regarding the resurfacing of Route 52 was added to the agenda.

Motion carried unanimously

Resolution #359 - Resurfacing of Route 52

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming & Councilman Ruthven

Resolved: The Town Attorney is authorized to draft a resolution to encourage the State of New York Department of Transportation to consider the resurfacing of Route 52 in the Town of Kent, the unconditional main street.

Motion carried unanimously

Resolution # 360 - Add to the Agenda

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

Resolved: Demolition of an unsafe building was added to the agenda.

Motion carried unanimously

Resolution #361 - Demolition of Unsafe Building TM#33.35-1-46

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

Resolved: Upon the recommendation of the Building Inspector William Walters, the structure on the premises known as 69 Clubhouse Drive, TM# 33.35-1-46 may be removed by the lowest responsible bidder for the safety of the residents; the cost of the demolition will be billed back to the owner of the property.

Motion carried unanimously

Resolution #362 - Add to the Agenda

On a motion by Councilman Ruthven

Seconded by Councilman Denbaum

Resolved: Advertise for members of the Kent Conservation Advisory Committee were added to the agenda.

Motion carried unanimously

Resolution #363 - Advertise for Volunteers to the Kent Conservation Advisory Committee

On a motion by Councilman Ruthven

Seconded by Councilman Denbaum

Resolved: The Town Clerk may advertise for the Kent conservation Advisory Committee.

Motion carried unanimously

Resolution #364 - Approval of Vouchers and Claims

On a motion by Councilman Huestis

Seconded by Councilwoman McGlasson

Resolved: All vouchers #200152419 - #200152478 and claims from:

TOWN BOARD MEETING OCTOBER 1, 2019

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|-------------------------------|-------------|-----------------------------|
| 1. Barney Zipkin Tree Service | \$8,855.52 | Tree Removal |
| | \$8,855.52 | |
| 2. Global Montello Group | \$3,821.00 | Fuel |
| 3. Magna5 | \$10,323.17 | Telephone Service |
| 4. Royal Carting | \$6,782.05 | Recycling Garbage |
| 5. State Comptroller | \$31,001.00 | Justice Court: Fines & Fees |

In the amount of \$91,547.86 may be paid.

Motion carried unanimously

Public Comment

There was none

Resolution # 365 - Adjournment

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

Resolved: The town board meeting of October 1, 2019 adjourned at 8:55 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli
Town Clerk