

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

Resolution #242 - Adjourn to Executive Session

On a motion by Supervisor Fleming

Seconded by Councilman Ruthven

Resolved: The town board adjourned to executive session at 5:30 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 #243 - Adjourn Executive Session

On a motion by Councilwoman McGlasson

Seconded by Councilman Denbaum

Resolved: The town board adjourned executive session at 7:05 p.m. no votes were taken.

Motion carried unanimously

Supervisor Fleming recused herself from the public hearing on Amendments to Chapter 57

Resolution #244 - Open Public Hearing on Amendments to Chapter 57 Roads & Roadways

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

Resolved: The Public Hearing on amendments to Chapter 57 Roads & Roadways was opened.

Motion carried unanimously

Councilman Huestis asked for comments. Katherine Doherty mentioned the road list was not attached to the backup on line and the date the policy was accepted is incorrect. Town Attorney Tagliafierro replied they should be and will be corrected. She also asked if these ancient subdivisions will be paying up front or are letters going to the Highway Superintendent. Councilman Huestis states as far as he knows they request and pay up front. Highway Superintendent Othmer answers he will assess the roads and let them know what he estimates the tonnage of blacktop will be. Town Counsel Tagliafierro clarified that the agreement will be with the Town Board. Mrs. Doherty said the other day when she drove by Hill and Dale the highway department was patching 55 holes and it took her two weeks to get her road patched which is a school bus route. She added her roads were only paved after she FOILED the information for Hill and Dale. Highway Superintendent replied we are operating on the policy resolution until the law is passed. The resolution says the town will get paid immediately upon completion of the job. He has four blacktop crews throughout town and when in an area they hit all the geographically areas in that proximity. He answered Mrs. Doherty's FOIL immediately, he filled 55 potholes the cost is \$2,100.00. He said when he took office Mrs. Doherty was the town supervisor. On December 9th of that year there was a snow storm, Dec. 10th & Dec. 14th 8 inches of snow fell and again on Christmas Eve another inch. Tony Caravetta invited me to ride every plow route in the town. They plowed Hill and Dale, Sedgewood and White Pond. The resolution they are operating under now had passed in 1990, he found information back to 1960 where town boards were discussing this. Mrs. Doherty took office 2002 twelve years after this she never said a word about this, never had a problem with this just continued the resolution passed in 1990. I would just like that to be on the record. Mrs. Doherty responds when she asked Tony, it was used by prescription there were no letters of complaints, yes they did do plowing and she agrees with the law except for the fact what is maintenance and what is emergency. Fifty five pot holes to her is maintenance it was two weeks before the bus route in Lake Carmel was done, she agrees with the law and more accountability. She is asking what the procedure is because it's not in the law. Highway Superintendent Othmer replies when put on notice about a pothole he has 30 days to respond and fix it. Councilman Paul Denbaum responds that's not true that's only for our actual public roads in the town. Highway Superintendent replies he is talking in general about roads in town he has 30 days to make a good effort to fix them. He said he did research and the roads in Hill and Dale were getting fully paved before, he has put a stop to that. Senior members in the department and residents in Hill and Dale said that before the policy was enacted the whole

crew was in there with the paver and rollers we're not doing that anymore. This has been happening for sixty years he wants to solve this, he wants a policy.

Councilman Ruthven, asks the procedure? We just heard this agreement is going to be signed, not between you and those communities but between the Town Board and these communities which makes the board liable. Mr. Othmer thought he was included also. Town Counsel replies it states just the town board is signing the agreement. Councilman Ruthven went over the procedure and thinks the letters should come to the town board and we request you to do the estimate on it. Mr. Othmer says that's fine with him. Councilman Ruthven says he is just trying to define the procedure because that was the question. As long as we have an understanding of how that procedure will work. Councilman Ruthven asked what defines a private community to a non-private community and gave two examples, South Lake says it's a private community the lakes are owned by the county and there are DEP access points there. A little further is Kent Lake Estates are those town roads it says private community? Mr. Othmer replies yes, he explains the way the road system in this whole country was developed is uncoordinated. Technology was always ahead of the infrastructure. It depends on when the town board adopted the roads. Lake Carmel roads were adopted in 1986 some of them are 14 to 15 ft. wide and legally should not be town roads, but four out of the five town board members in 1986 were living in Lake Carmel. When you look at the history of the different communities they would buy their homes and go to the town board and the town board would adopt it. In the late 1970's and 1981 it came down from Albany each County commissioner had to do an inventory of all the roads in their town. Putnam County did not put their maps out until 1986 maybe that's why Lake Carmel adopted all their roads up to that point. Once they put that map out they created the chips system where you get certain amount of tax money and divide by mile thru out NYS. Before 1986 Lake Carmel was getting their roads plowed and they were not adopted as town roads. I think the reason why Hill and Dale and Sedgewood never applied for it they had a club house and so forth.

Councilman Huestis asked why White Pond Colony is part of ancient roads. Highway Superintendent replied because White Pond Colony was formed before zoning boards and planning boards. Councilman Denbaum wants to know with the proposed law would it include salt as material. Mr. Othmer said yes we throw sand down. Councilman Denbaum said at present you are operating without a local law you have a lot of leeway, under the new law in the winter when we say you need to reimburse the town for materials such as salt and sand will there be a problem with the way the town does their plowing. Right now it's under policy and they do not reimburse us, but when it becomes law will there be complaints. Do you intend to charge for salt and sand, under this agreement? Mr. Othmer responds I'll leave it to the town board. He thinks the way the resolution was passed in 1990 it was up to the Highway Superintendent, now it is written to be the town board's decision. Councilman Denbaum asks let's imagine this process never happened would you charge for sand and salt? Highway Superintendent Othmer replied sure. Councilman Ruthven said but you don't. Councilman Denbaum also replied but you don't, we do not do it now it is all part of the safety of the occupants. Highway Superintendent replied he would not charge it's so little, he said he didn't understand what you asked. Councilman Denbaum replied that's ok he just wanted to make it clear, and unfortunately what happens is when you write laws lawyers start going around and pushing their will around and his concern is the more you codify this stuff the more leeway there is. I like it the way it is, because you know what you're doing and you know the roads and what's best for the residents. They elect you and you do what's best for them and prefer that. When you put into law x, y and z it takes your discretion away and that concerns him. You are going to be hemmed into a law that you may not want to be in later. Highway Superintendent responded that he wants to be hemmed into this law and that's why he came to the board about this, everyone leaves it to the Highway Superintendent and the way the NYS law interprets this he is not supposed to take care of these communities. Cornell said we have a right to make this law unique to our town. We have been servicing these roads since day one. If the board wants to give him the order not to sand or plow, even though he doesn't think that's the thing to do. The board all reply no. He thinks we are doing the right thing here, and as a Board and Highway we are trying to straighten this mess out. We have a guide line and he feels comfortable. Councilman Ruthven thinks we can wrap this up into three very specific tasks that you're going to do. Fill potholes, clear trees that come down on an emergency basis from shoulder to shoulder not removing the whole tree just in the right away and plowing and

salting and sanding. The most important thing is a payment plan for this, now you're paying in advance and there is written documentation and a law that requires you to have this. Councilman Denbaum says there should not be any paving. The only authorization in here is emergency potholes. So how much paving could there be. Councilman Ruthven said he never said paving he said emergency potholes. Councilman Huestis asks for further comments, there were none.

Resolution #245 - Close the Public Hearing

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

Resolved: The Public Hearing on Amendments to Chapter 57 Roads & Roadway was closed.

Motion carried unanimously

Resolution #246 - Public Hearing – Local Law regarding R-80 District

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The Public Hearing on the proposed Local Law regarding R-80 District was opened.

Motion carried unanimously

Nancy Tagliaferro Town Counsel spoke to the Town Planner about this and she asked that we not vote on this at the first meeting in July because she has just referred it to the County Planning Dept. and is asking to wait to vote on it until the second meeting in July. Councilman Huestis asks does the County Planning Dept. have some kind of ruling. She replied they have thirty days to respond with their recommendations. Councilman Ruthven asked when this was sent to them. She replied as of Friday it had not been done yet. Councilman Huestis asks does the representative from the Putnam Nursing and Rehab know this. She replied she is not sure, but knows they are in communications together. Councilman Ruthven asks so from the date that she sends this letter to them we have to wait thirty days? Nancy responded they won't take thirty days to respond. She thinks we will be ready to vote by the second meeting. He asks if there is a minimum of thirty days, or can we get it back sooner. Nancy replied yes absolutely. Supervisor Fleming said this amendment was discussed back in May we originally were going to put it on for the fourth but we didn't have enough time to notice this code change. What this code change does is actually change one section of section 77-7 purpose and permitted uses number six would add nursing home, convalescing home and alternative care house provided the minimal lot shall be five acres no building or part there of or any parking area shall be located with one hundred ft. or any lot line. The lot shall have frontage on a county or state road and such county or state road frontage shall serve as the point of ingress and egress to the facility and then the only other change in that section is the original sections 6,7,8 are renumbered to be 7,8 and 9. We do have representatives from Putnam Nursing Home so if you would like to make comments.

Dave Schlosser the Architects representing Putnam Nursing Home, Lizer Jocefovich the owner of Putnam Nursing Home, and Deena Kaye the Administrator of Putnam Nursing Home are here to speak in favor of the amendment, it is critical that this be enacted because the existing nursing home which is 160 beds has been around for forty plus years. It's in dire need of cosmetic restoration but as proposed by the new owners, they are proposing to expand approximately 25,000 square ft. to give the existing residents additional activity therapy space and common area usage. This is not an expansion of beds this is an expansion of the quality of life for the residents that are there. The 55,000 square ft. facility will be expanded by about 25,000sq. ft that will give them additional beds. Where they are with the planning board and town board that unless this amendment is enacted the existing nursing home remains as is we are virtually without change. Councilman Ruthven asks did you just say it does give them additional beds. Mr. Schlosser replies it does not. It gives them additional private beds, not shared rooms. Right now basically they have a higher percentage of double bedded rooms and the typical nursing home that was done 47 years ago it was 10 to 15 percent private rooms, this is going to expand the entire addition which provides new bedrooms but not new beds. So the double beds will become private beds. They will expand about 40 to 50 private beds.

Mr. Jocefovich stated now there are 3 to 4 people to a bathroom, most of these if not all will be done away with, no more than two people to one bathroom. They just want to make sure that

they are in favor of the amendment. Councilman Huestis asks are you aware there is a referral to the County Planning Dept. They replied they were not aware. Counsel Tagliafierro states it just means we cannot consider this at the next meeting but likely the meeting after that, the second meeting in July. Mr. Schlosser stated until this board acts they cannot move forward with the planning board and thinks because of the conditions shown in relationship with parking on site, they will end up before zoning as well. Councilman Denbaum asks we plan to hold this open. Town Council explained we can skip the first meeting if you adjourn it to the second meeting in July we can hear it. Supervisor Fleming agrees and said we can take comments for it until July anyway. Councilman Huestis supports this and said it is long overdue expressing his disappointment in the delays. It needs an uplift to keep up with the times and will do his best to support this. He'll be going to the review meeting with the planning board. Councilman Denbaum asks what is the earliest we can pass this law now. Counsel Tagliafierro replied it will be the second meeting in July the 16th. Mr. Schlosser asked if representation by them is needed at that meeting. The board answers no they do not believe so. Councilman Ruthven asks why we can't do it at the first July meeting if the County gets back to us in time. Counsel replied she supposes. Supervisor Fleming states we can do it pending their response. Councilman Denbaum states so what you're saying is if the County gets back to us in positive way then we can pass it in the first meeting in July if we wanted to, if you're looking for places to lobby the County would be a good place to start. Supervisor Fleming said we could actually put it on for the first meeting in July and then adjourn it if we don't hear back from the County. This way we are not losing time if we do it that way. She asked if anyone else would like to be heard. There were no comments

Resolution #247 - Adjourn Public Hearing on the R-80 District

On a motion by Supervisor Fleming

Seconded by Councilman Ruthven

Resolved: The public hearing on a local law on the R-80 district was adjourned to the meeting of July 2nd meeting at 7:00pm.

Motion carried unanimously

PLEDGE OF ALLEGIANCE

Supervisor Fleming called the Workshop Meeting to order with the Salute to the Flag at 7:15 p.m.

WORKSHOP MEETING

The Board discussed and reviewed all items on the workshop agenda. To see what transpired at the workshop meeting please see Videos on Demand on the Town's website.
www.townofkentny.gov.

PUBLIC COMMENT-There was none

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 #248 - Adopting Local Law #3/2019

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

WHEREAS, a local law to amend the Kent Town Code to add a provision for the maintenance and repair of certain roads in Ancient Subdivisions was introduced as Introductory Local Law # 3 of the year 2019 before the Town Board of the Town of Kent on March 19, 2019; and

WHEREAS, a public hearing was held on May 7, 2019 and continued to May 21, 2019 and the public was invited to attend and be heard on the matter, and the public hearing was continued for the acceptance of written submissions to June 4, 2019;

NOW THEREFORE, BE IT RESOLVED, that Introductory Local Law #3 of 2019 is hereby enacted by the Town Board of the Town of Kent; and

BE IT FURTHER RESOLVED, that a true copy of the law is attached hereto and made a part hereof.

Roll Call

Councilman Denbaum – nay. His concern is that this will tie the Highway Departments hand tighter, not allowing him to do his job in an effective way. He wrangles with Highway Superintendent about budgets and does not want him to wrangle with the next town board about a pot hole. He thinks our residents deserve the quick service they get now with him and the fact that he knows the intricacies of what holes should be paved and what is an emergency and what is not. This law would leave it to the town to enter into agreements, he assumes interpret those agreements. He thinks its best left in the hands of the highway superintendent. He has not received any complaints yet and typically he tries not to change the law.

Councilwoman McGlasson – aye

Councilman Huestis – aye

Councilman Ruthven – aye

Supervisor Fleming – abstained

Motion carried

TOWN OF KENT
AMENDMENT TO
CHAPTER 57
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. A new Article IV entitled “Ancient Subdivisions” shall be added to

Chapter 57 regarding “Roads and Roadways” to read as follows:

§57-31. Purpose and Authority.

- A. Municipal Home Rule Law§10(1) (12) authorizes the Town Board to adopt local laws for the protection, order, conduct, safety, health and well-being of persons or property within the Town of Kent. In furtherance of such goals, all roadways in the Town of Kent should be maintained at all times in the best interests of the health, safety and general welfare of its residents and others who travel along the roads within the Town of Kent, including roads which have been dedicated to the Town as well as certain private roads which have not been dedicated because they cannot be accepted by the Town as they do not comply with current minimum road standards.
- B. Town Highway Vehicles regularly traverse private roads, commercial and public connector roads and parking lots in order to expedite plowing efficiency, and this established practice benefits all Town residents.
- C. There are three subdivisions within the Town of Kent that were created prior to the advent of the Town Zoning Board of Appeals, the Town Planning Board and all zoning laws, including the Town zoning ordinance, and were therefore not subject to modern zoning laws and as a result, the roads within these subdivisions were constructed to widths which are below minimum acceptable standards for traffic. Therefore, the Town of Kent cannot accept these roads as “Highway by Use” because of the substandard condition of the existing roads.
- D. Private contractors do not have the ability to maintain these roads so that they are accessible and passable during all times, particularly emergency situations and inclement weather, and the Chief of Police, the Kent Fire Department, the Lake Carmel Fire Department and the Department of Environmental Conservation all require certain roads in these three subdivisions; namely White Pond Colony, Sedgewood Club and Hill

& Dale County Club (the “Ancient Subdivisions”) be accessible at all times for emergency situations.

- E. The Town of Kent adopted an Ancient Roads policy on January 9, 2018, authorizing the Town Highway Department to maintain and repair certain private roads.

§57-32. Agreement.

A. The Town Board is hereby authorized to enter into a written agreement with each of the Ancient Subdivisions to permit the Highway Department to perform the following services:

1. Remove fallen trees from the roadways.
2. Patch potholes on an emergency basis.
3. Plow and sand roads during inclement weather.

B. The costs for materials will be paid to the Highway Superintendent prior to the performance of any repairs in order to ensure compliance with the New York State Constitution’s restriction of gifts of public credit to private entities.

C. The costs for the use of Highway Department machinery and labor have already been paid by the residents of the Ancient Subdivisions in taxes which are paid by all Town residents.

ROADS TO BE INCLUDED FOR ANCIENT SUBDIVISION LOCAL LAW

	HILL & DALE COUNTRY CLUB
HEMLOCK TRAIL COURT	PALMER TRAIL
PINE TRAIL	MAPLE TRAIL COURT
PERRY TRAIL	BRYANT TRAIL
FIR TRAIL COURT	BIRCH TRAIL
LAKE TRAIL	BROOK TRAIL
WILLOW TRAIL COURT	OAK TRAIL COURT
HICKORY TRAIL COURT	BEECH TRAIL

WHITE POND COLONY
WHITE POND COLONY ROAD EAST
WHITE POND COLONY ROAD WEST

SEDGEWOOD CLUB
KITTREDGE DRIVE
BARRETT CIRCLE COURT
BARRETT CIRCLE WEST
GOLF RIDGE ROAD

Section 2. This local law shall take effect immediately.

Resolution #249 - Tub Grinder Rental for Landfill

On a motion by Councilman Denbaum
Seconded by Councilman Huestis

WHEREAS, by Resolution dated November 14, 2017, the Town Board awarded the bid for rental of a Tub Grinder in the amount of \$4,000 a day, and by Resolution dated October 23, 2018 the Town Board authorized the Highway Department to continue renting the Tub Grinder for an additional five days at a cost not to exceed \$20,000; and

WHEREAS, according to the Highway Superintendent, the continued rental of the Tub Grinder is necessary to comply with Department of Environmental Conservation mandate to

clean up the Town landfill by early July, 2018 and the rental of the Tub Grinder qualifies as a sole source contract; and

WHEREAS, the Town wishes to authorize the Town of Kent Highway Department to rent the Tub Grinder not to exceed \$20,000,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Town Highway Department to rent the Tub Grinder and approves the expenditure for a sum not to exceed \$20,000.

Motion carried unanimously

Resolution #250 - Approve Inter-Municipal Agreement for Maintenance of Ludington Bridge & Transfer of Ownership

On a motion by Councilman Denbaum

Seconded by Councilman Ruthven

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 for required maintenance of Ludington Bridge, identified by Putnam County as BIN 3365120, and provide for the transfer of ownership of Ludington Bridge from the County to the Town, a copy of said inter-municipal agreement is annexed hereto and incorporated herein by reference; and

WHEREAS, Ludington Bridge is the sole access for the Town of Kent Highway Department to access the Kent Highway Department facility on Ludington Court.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves the attached Inter-Municipal Agreement and accepts ownership and control of Ludington Bridge from the County of Putnam to be used for a public purpose; 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 #251 - Authorizing Acceptance of Quotes for Generator Repair for Highway Department

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

WHEREAS, the generators servicing the Highway Department garages are in need of repair, and the Town Board of the Town of Kent is in receipt of two quotes from GenServe, Inc., to perform such repairs, in accordance with the service contracts between GenServe and the Town; and

WHEREAS, GenServe has proposed the total cost to repair the generators to be \$1,083.45; and

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby accepts the quotes of GenServe for a total cost not to exceed \$1,083.45; and it is

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

Motion carried unanimously

Resolution #252 - Authorizing Hiring of Recreation Assistant

On a motion by Councilman Denbaum

Seconded by Councilman Ruthven

WHEREAS, the Town of Kent is seeking to fill the position of Part Time Recreation Assistant for the Recreation Department; and

WHEREAS, John Fenty has been interning with the Recreation Department and has submitted a resume which reflects the proper qualifications to fill the position of Part Time Recreation Assistant; and

WHEREAS, by letter dated June 11, 2019, Jared Kuczenski, Acting Director of Recreation and Parks, recommended the hiring of John Fenty as Part Time Recreation Assistant.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Kent hereby authorizes the hiring of John Fenty as Part Time Recreation Assistant at a rate of \$15 per hour for a maximum of 30 hours per week not to exceed the maximum hours of 1,040 for the year.

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

Resolution #253 - Awarding Bid for Fencing at Edward Ryan Memorial Park

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

WHEREAS, consistent with the Procurement Policy, Jared Kuczenski, the Town of Kent Acting Director of Recreation and Parks, sought quotes for the installation of fencing at Field 1 and Field 2B of Edward Ryan Memorial Park; and

WHEREAS, Mr. Kuczenski requested quotes from three companies and received three quotes in response, copies of which are attached hereto and incorporated by reference herein;

WHEREAS, Mr. Kuczenski recommends awarding the contract to Duke Fence, who submitted the lowest quote in the aggregate amount of \$9,515;

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby accepts the recommendation of the Acting Director of Recreation and Parks and authorizes Duke Fence to install the fencing at Edward Ryan Memorial Park for an amount not to exceed \$9,515; and it is

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

Motion carried unanimously

Resolution #254- Hire Lake Carmel Park District Lifeguards

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

WHEREAS, the Town of Kent is seeking to fill the summer positions of lifeguards in the Lake Carmel Park District ("LCPD"); and

WHEREAS, by email dated June 11, 2019, Heidi Link, the LCPD Clerk, forwarded Andrea McKinley, LCPD Lifeguard Supervisor's recommendations to hire Lily O'Hara and Mackenzie Christman as Lifeguards for the 2019 season; and

WHEREAS, the Town Board desires to accept the recommendations of Ms. McKinley.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Lily O'Hara and Mackenzie Christman as Lifeguards for the 2019 season at a rate of \$11.10 per hour; and

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

Resolution #255 - Hire Park Maintenance Worker for Lake Carmel Park District

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

WHEREAS, the Town of Kent is seeking to fill a full time position of Park Maintenance Helper for the Lake Carmel Park District ("LCPD"); and

WHEREAS, Bob Nix, Crew Chief has recommended the hiring of Mario Francesco Calogero, and the Town Board wishes to follow Mr. Nix's recommendation;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Mario Francesco Calogero as Park Maintenance Helper for the LCPD at the rate of \$11.10 per hour for a maximum of 40 hours per week.

Motion carried unanimously

Resolution #256 - Accepting Members to the Lake Carmel Fire Department

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

WHEREAS, the Lake Carmel Fire Department has recommended the acceptance of Victoria Cecere, Steven Pinto, Lindsey Edwards and Ryan Pierkarski as new members of the Lake Carmel Fire Department; and

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

NOW, THEREFORE, BE IT RESOLVED, that Town Board of the Town of Kent hereby accepts and welcomes Victoria Cecere, Steven Pinto, Lindsey Edwards and Ryan Pierkarski as members of the Lake Carmel Fire Department.

Motion carried unanimously

Resolution #257- Authorizing Correction of Violations, Acceptance of Proposal & 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 Removal of Brush") directing the removal rubbish, excess weed, grass and brush growth from the following properties:

37 Cottage Road	Tax Map 33.50-1-21
31 Larchmont Road	Tax Map 33.50-1-42
238 Route 52	Tax Map 44.5-2-28
11 Hawthorne Road	Tax Map 33.58-1-34
04 Livingston Road	Tax Map 22.50-2-2; 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:

27 Longfellow Road Tax Map 22.74-1-43; 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:

37 Cottage Road	\$ 100	JB Affordable Lawn Care Inc.
31 Larchmont Road	\$ 100	JB Affordable Lawn Care Inc.
238 Route 52	\$ 200	JB Affordable Lawn Care Inc.
11 Hawthorne Road	\$ 100	JB Affordable Lawn Care Inc.
04 Livingston Road	\$ 150	JB Affordable Lawn Care Inc.
27 Longfellow Road	\$2,200	FI Adams, Inc.; and

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 \$2,850; 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 #258 - Agreement for Maintenance of Abandoned Cemeteries

On a motion by Councilman Ruthven

Seconded by Councilman Denbaum

Town Board of the Town of Kent hereby authorizes the Town Supervisor to accept the proposal received from All Seasons Property Maintenance for the maintenance of 7 cemeteries to be mowed and maintained on a bi-monthly basis from current day through the end of October 2019 for a contracted price of \$1,100 per month for a total cost not to exceed \$5,500.00.

Upon Roll Call Vote:

Councilman Denbaum – aye

Councilwoman McGlasson – aye

Councilman Huestis – abstain

Councilman Ruthven – aye

Supervisor Fleming – aye

Motion carried

Resolution #259 - Waive 30 Day Notice

On a motion by Councilman Ruthven

Seconded by Supervisor Fleming

WHEREAS, Limni LLC provided the Town of Kent a Standardized NOTICE FORM for Providing 30-Day Advance Notice to a Local Municipality or Community Board, of its intent to submit an application for On-Premise alcoholic beverage license for sale at a new restaurant located at 47 Route 311; and

WHEREAS, the New York State Alcoholic Beverage Control Law requires that the Town be provided 30 day notice prior to any person or corporation submitting an application to obtain a license to sell beer, wine, liquor or cider for consumption on premises within the Town, however, this time period may be waived by the municipality; and

WHEREAS, the Town Board wishes to acknowledge receipt of the notice and waive the required 30 day notice to assist the applicant in expediting the application process so as to allow a new business in the Town of Kent to achieve the greatest level of success.

NOW, THEREFORE, BE IT RESOLVED, that to the extent permitted by the New York State Liquor Authority, the Town Board of the Town of Kent hereby waives the requirement that written notice of the application of Limni LLC be given to the Town at least thirty (30) days prior to submitting the application; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Clerk to issue a letter to the applicant and to the New York State Liquor Authority to confirm the Town Receipt of the notice and the Town Board's waiver of the thirty (30) day notice period.
Motion carried unanimously

Resolution #260 - Authorizing Supervisor to sign Letter Kent Manor Project

On a motion by Councilman Ruthven

Seconded by Councilman Huestis

WHEREAS, pursuant to series of litigations regarding the construction of 303 condominium units at Tax Map# 33, Lots 79 and 79.401-79.6507 in the Town of Kent, (the "Original Project") which culminated in a court ordered Stipulation of Agreement dated July 27, 2009 (the "Agreement") between the Town of Kent and Kent Acres Development Co., Ltd. ("Kent Manor"), Kent Manor was authorized to build and modify the Original Project without further Town review or the payment of additional fees; and

WHEREAS, the Agreement authorized certain modifications to the Original Project without Town approval pursuant to two distinct criteria/parameters:

- (1) modifications must be designed to ameliorate environmental impacts or comply with regulations subsequently enacted by the federal, state or county governments; and
- (2) any plan changes cannot result in an increase in (i) water consumption, (ii) septic effluent, or (iii) required parking beyond what was already approved for the site; and

WHEREAS, the owner of the Property, RFB, LLC ("RFB") and the prospective contract vendee of the Property, Kent Hills Development, LLC ("Kent Hills"), are proposing to develop the Property in a manner consistent with the Original Project, but with significant reduction in impacts; and

WHEREAS, the modifications to the Original Project will reduce the number of dwelling units from 303 to no more than 160 dwelling units; will reduce the number of bedrooms to not more than 400 bedrooms; and will be an active adult "age-restricted" development, which will result in a reduction in the generation of both traffic and school-age children (the "Modified Project"); and

WHEREAS, Kent Manor has requested that the Town Board and the Planning Board Chairman countersign a letter acknowledging and confirming the Town Board's agreement that: (i) the Modified Project is consistent with the Original Project; (ii) the Modified Project requires no further discretionary approvals from the Town Board and/or Planning Board; (iii) the Planning Board Chairman will sign the Amended Subdivision Plat for filing with the Putnam County Clerk; and (iv) the Town Building Inspector shall issue building

permits for the Modified Project upon submission of full Building Permit Applications, on the condition that said Applications are consistent with the Modified Project described herein and meet current uniform fire prevention and building codes requirements; and

WHEREAS, the Town Board has reviewed the Original Project and the Modified Project and finds that the Modified Project is designed to ameliorate environmental impacts and does not result in an increase in (i) water consumption, (ii) septic effluent, or (iii) required parking beyond what is already approved for the site; and

WHEREAS, the Town Board agrees that the Modified Project is consistent with the Original Project and requires no further approvals from the Town Board;

NOW THEREFORE, BE IT RESOLVED the Town Board of the Town of Kent hereby authorizes the Supervisor to countersign the Letter from Whitney Singleton, Esq., annexed hereto, confirming the foregoing; and it is

FURTHER RESOLVED that the Town Board authorizes the Town Building Inspector to issue building permits for the Modified Project upon submission of full Building Permit Applications, so long as said Applications are consistent with the Modified Project described herein and meet current uniform fire prevention and building codes requirements.

Upon Roll Call Vote:

Councilman Denbaum – nay. He does not particularly like the 55 and over age restricted community, he thinks children and young families are a good vibrant addition to the community, he does not know the purpose for that is other than probably the bottom line of the developer.

Councilwoman McGlasson – nay

Councilman Huestis –aye. It was his recommendation for an elder community he thinks it will free up some homes in town. Some of the elderly are having a rough time maintaining their homes and he supports this.

Councilman Ruthven – aye

Supervisor Fleming – aye

Motion carried

Resolution #261 - Add to the Agenda

On a motion by Supervisor Fleming

Seconded by Councilman Ruthven

Resolved: Accept the Magna5 Office 365 Enterprise email exchange server was added to the agenda.

Motion carried unanimously

Resolution #262 - Magna5 Office 365Enterprise Email Exchange Server

On a motion by Supervisor Fleming

Seconded by Councilman Ruthven

Resolved: Town Board of the Town of Kent hereby authorizes the Town Supervisor to contract with Magna5 for their proposal of the Office 365 Enterprise Email Exchange Server for a onetime cost of migration of \$3,153.15 and the cost of \$616.00 per month which includes unlimited help desk service.

Motion carried unanimously

Resolution #263 - Approval of Vouchers and Claims

On a motion by Councilman Huestis

Seconded by Councilman Ruthven

Resolved: All Vouchers #200151070 - #200151213 and claims submitted by:

- | | | |
|---------------------------|--------------|----------------------------|
| 1. Cemco Water | \$4,981.50 | Meters at WD#1 Well Houses |
| 2. City Carting | \$7,847.90 | Lake Carmel Garbage |
| | \$6,984.77 | |
| | \$7,254.34 | |
| 3. Custom Street Services | \$20,000.00 | Street Sweeping |
| 4. Gorman Brothers, Inc. | \$419,381.91 | Paving |

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5. Magna5	\$5,338.81	Telephone Service
6. New England Bounce About	\$3,034.00	Community Day Deposit
7. NYCOMCO	\$2,671.00	2 Way Radios: Police
8. NYS Dept. of Civil Service	\$208,139.86	Health Insurance: June
9. Peckham Materials	\$10,152.59	Blacktop
	\$21,985.34	
10. Robert Green Truck Division	\$33,946.00	2019 Ram 3500: Recreation
	\$85,141.30	2019 Ram Dump Truck: Highway
11. Spain Agency	\$65,920.28	Insurance Installment
12. State Comptroller	\$36,579.00	Justice Court: Fines & Fees
13. Windstream	\$4,017.28	Telephone Service

In the amount of \$981,650.64 may be paid.

Motion carried unanimously

Correspondence – List attached

Public Comment –There was none

Resolution #264 - Adjourn to Executive Session

On a motion by Supervisor Fleming

Seconded by Councilman Ruthven

Resolved: The town board adjourned to executive session to discuss the hiring of a particular person.

Motion carried unanimously

Executive Session Minutes taken by Supervisor Fleming

Resolution #265 - Temporary Part-Time Clerk

On a motion by Councilman Denbaum

Seconded by Councilman Ruthven

Resolved: The Town board approved Mariea Scelza as a temporary part-time clerk for the Kent Justice Court at a salary of \$15/hour, not to exceed 20 hours per week.

Motion carried unanimously

Resolution #266 - Adjournment

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

Resolved: The meeting adjourned at 9:56 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli

Town Clerk