

TOWN BOARD MEETING NOVEMBER 19, 2019

A regular Town Board meeting was held on Tuesday, November 19, 2019 at the Kent Town Hall, 25 Sybil's Crossing, Kent Lakes, New York 10512.

Resolution #403 - Adjourn to Executive Session

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: The town board adjourned to executive session at 6:33 p.m. to discuss the financial, credit or employment history of a particular person or corporation or matters leading to the appointment of a particular person or corporation.

Motion carried unanimously

Resolution #404 – Adjourn Executive Session

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

Resolved: The town board adjourned executive session at 7:10 p.m. no votes were taken.

Motion carried unanimously

Pledge of Allegiance

A 7:15 p.m. the meeting was opened with the Salute to the Flag.

Resolution #405 - Open Public Hearing on Mining Legislation

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The public hearing on Mining Legislation was opened.

Motion carried unanimously

Supervisor Fleming said before them is an amendment to Chapter 77 of the Kent Town Code, introduced by Councilman Ruthven. Councilman Ruthven explained since this was brought forward there has been some discussion on whether mining is allowed or not, and whether another chapter in our code pertaining to excavation and soil removal that may conflict or run parallel with mining. He thinks more time is needed to determine if this is what we need and choose one or the other or a combination of the best of both of them. He has received many opinions as to whether mining is not allowed anywhere in the Town of Kent already because it is not one of the approved zoning permitted uses. He said if you're going to the State to apply for a mining permit to do site development his opinion is mining is happening in the Town of Kent, we may say commercial mining for gold or copper is not allowed, but we are taking out rock, top soil and dirt all a form of mining. He said we need something well defined without stopping reasonable development and still have control. He is not ready to move forward.

Eileen Civitello, thanked the board for bringing this forward, she recapped the developers proposal for a truck stop which included 54 acres of the area to be mined down 180' within 150' of the Kent Schools. She said the site has not been cleared of trees, excavated or mined. She said a work road was put in 30 years ago to test for wells, presently equipment has been delivered there. She said although the Route 52 Developer has dropped the truck stop portion of their proposal they have made no indication their intent to mine 54 acres down 180' has changed. She said in the town's history of commercial development we have never had to mine in order to develop along the Route 52 corridor. She said she is speaking on behalf of the committee to Stop the Kent Truck Stop and to Stop the Destructive Mining of Kent who arrived at a consensus in the absence of references and procedures in the existing Zoning Code involving mining that it was necessary that our code address it and develop a code, as mentioned earlier by Councilman Ruthven there is a sketchy area. We do have a good site preparation limit in that 750 cubic yards of rock and soil or 1,000 tons, anything beyond that has to go the NYSDEC for a permit, stepping out of our town. She said currently we do not have control over that. She said the committee put forth a prototypical mining code found from Chatham, New York. She said they have discovered more time and consideration is needed to develop a code tailored to the Town of Kent. She said the committee is under the belief a mining code is needed that will not discourage development but rather to serve for the right kind of development for the town. She said careful, creative consideration must be spent on

this and asked the town to put the brakes on any new mining permits being awarded by the DEC by setting a moratorium of 6 month to a year for mining in the Town of Kent.

The following written material was provided by Maureen Galway-Perotti a Kent Resident who addressed the Town Board at the Public Hearing
Good evening Supervisor Fleming and Town Board Council Members. First - I'd like to offer my congratulations to Maureen, Jamie, and Chris on your re-elections. Very nice to see you all back serving the Town of Kent.

Pressure for development within the Town of Kent increases as our community continues to grow. Ideally, a community's comprehensive plan and its land use regulations should be adequate to deal with that pressure. Sadly, that ideal is rarely the case. Consequently, such pressure may call for a halt to a particular type of development until municipal leaders have had a reasonable opportunity to formulate a comprehensive regulatory approach.

The objective of municipal land use controls is to promote community planning values by properly regulating land development. It follows, that land use controls work best when built upon a carefully considered comprehensive plan. It takes time to put together, or in our situation, to update, a good community plan. Development demand for a particular use of land may arise for which there are inadequate or nonexistent controls. I am of course referring to mining in the IOC parcels of the Town of Kent. For this reason, moratoria, a type of interim zoning control, are often needed to "freeze" development until a satisfactory final plan or regulations are adopted.

Moratoriums have emerged as the tool of choice for local officials to call for a "timeout" while they consider new land-use ordinances and zoning changes to control development. Moratoriums hold out the hope of change for the better with the premise that there is a chance that the town will adopt a plan of action that will truly make a difference to the lives of its residents. Moratoria will, therefore, always continue to be adopted.

The development stakes are enormously high for the Town of Kent. Decisions local officials make now, will determine how the remaining undeveloped part of Kent will look for the rest of our lifetime. A mining moratorium would allow us to step back, pause, consider, and re-evaluate all aspects that any mining operation would have - not with respect to the technical aspects of the mining industry, but with regard to the direction of development in the Town of Kent, and the resultant decades' long development ramifications. Complex issues such as the inclusion of a mining code, or enactment of a total prohibition of mining, require careful thought and consideration.

Municipalities are free to enact, apply and enforce zoning ordinances which restrict the location of mining activity within particular districts, even to the extent of a complete ban on all mining within their borders. There may be many who share my sentiments that all mining be permanently prohibited in the Town of Kent - for where in our small beautiful rural town should we allow the rape of our land? Presently our town, and especially along the Rt 52 corridor is vulnerable to development predators who would denude the forest, profit from transforming the topography of that area, sell the rock and gravel commodities to the highest bidder, and leave us with a barren moonscape. Also, I fear creation of a floating M Zone as put forth in the proposed legislation will only open Pandora's Box which implies serious looming trouble down the pike. It opens a window of opportunity to set in place a process that potentially could generate many convoluted problems. Mining is a complicated issue; certainly one worthy of the time it will take to develop an appropriate code for our Town. It is therefore crucial for a moratorium to be part of this much broader planning process.

Thus I respectfully ask the Town Board to consider a local enactment of a land use moratorium to temporarily suspend a landowner's right to obtain development approvals, specifically mining approvals, while the community considers and potentially adopts changes to its comprehensive plan and/or its land use regulations to deal with mining circumstances not addressed by our current town law. Enact a moratorium on

development specific to one land use, namely imposing a temporary ban on all mining which would therefore preserve the status quo while the Kent municipality updates its comprehensive plan. Enact a moratorium designed to halt all mining temporarily, pending the completion and possible adoption of more permanent, comprehensive regulations.

Generally speaking, moratoriums receive mixed reviews: while they may meet the expectations of local residents and environmental groups, they no doubt upset developers, builders, and property owners, each of whom have development ideas and wish to get on with their plans, especially if those plans will need to be modified. Constitutionally, people do have a right to use of their property, and a moratorium does impose a limitation on use. In all fairness to developers, they deserve a time frame for their respective plans. For that reason, I suggest the Town Board consider a six month limit to an enacted town-wide mining moratorium. Courts have upheld moratoriums in cases where they were interim measures, generally six months to a year in length, imposed while local government considered land use and zoning changes. Judges have been less receptive to so-called rolling moratoriums - that is, moratoriums that are renewed and stretch over longer periods of time.

However, a moratorium is only as good as a town's intention to do something to change its land-use policies during the timeout provided. We cannot let a moratorium be just a wheel spinning. We cannot let a moratorium merely create the appearance of doing something without accomplishing a definitive outcome. Planning and land-use experts say that moratoriums alone do little to stop undesired development. Everything depends, on whether officials use the time a moratorium gives them, not merely to discuss and to draft, but to enact changes in zoning and land-use regulations. There must be an integrated process that begins with the moratorium and ends with substantive changes to the Town Code.

Lastly, there is sufficient case law on the subject of moratoria to furnish guidance to those community officials desiring to draft one. As per a publication by the NYS Division of Local Services entitled Land Use Moratoria, which is an informational guide to those community officials involved in the process, a set of prescribed precepts should be followed. I respectfully submit a copy of the document to the Town Board for your reference and its direct link on the NYS government web site:

https://www.dos.ny.gov/lq/publications/Land_Use_Moratoria.pdf

In closing, the Courts have unquestionably upheld the powers of municipalities to determine appropriate land uses within their borders through the enactment of zoning ordinances. I applaud Councilman Ruthven for introducing well meaning legislation, but, it is nonetheless based on a code written for another town of different demographics and development needs. We need to thoroughly examine if it does in fact meet the requirements of our town. I believe rather than hasty mining legislation, a temporary mining moratorium would far better serve constituents to provide a reasonable opportunity to explore and formulate a comprehensive regulatory approach to deal with mining specifically in the Town of Kent. Thank you. Maureen Galway-Perotti, Kent Resident

Henry Boyd, of Boyd Artesian Wells clarified the road on Route 52 previously discussed was built 30 years ago for his drilling equipment when there was a proposed condominium project in addition to a few shabby logging roads. He said the reason you see rock at the entrance is to prevent mud entering the road. He thanked Chris and congratulated the board on the election. He said we are probably sitting on the biggest rock removal he knows of referring to the Kent Complex, he said the rock never left the property; the hill was taken out but used for the driveway entrance and the water recharge areas. He thought that should be the limit and rock should not leave the property. He asked for the 6 month moratorium no longer than a year so that this can be finite, he said the rock in Chatham is shale rock this is granites nice, something is needed to control unsuitable building.

Ann Fanizzi a resident of Southeast extended her congratulations to the board. She said Southeast had a moratorium several years ago and underwent a comprehensive plan which she

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was on the committee. She said the comprehensive plan of Kent has not been reviewed for almost twelve years and a lot has changed. The Board has ample justification to look again at the Comprehensive Plan to see the changes that need to be made and to establish a time frame that is not unreasonable. Should there be a developer who has difficulty, there are always variances. She said in establishing the moratorium you should look at all the stakeholders and consider establishing a committee whose task would be to look at this which may open up to other areas in the code that need review. We have limitation on uses of land, and so forth, Kent is under pressure but all Towns are under pressure from some kind of development. Southeast will be discussing the blasting codes this week because we need a more stringent code. She thanked the board for considering the recommendations of the public and hopes the moratorium will be approved.

Ann Campbell a resident of the Town of Kent – talked about working on an update to the comprehensive plan. She thinks there is value looking at it, in part because of the climate smart initiative, there may be very positive things in the plan that can be done in that area. She said Pattern for Progress reported Out of Alignment. We need to think strategically about the economic development because of the trends that are taking place across 6 counties. It might be a good time to bring some citizens together to look at all these issues from a broader prospective. Looking at the current Comprehensive Plan there is a statement about enacting a ridgeline protection ordinance.

Supervisor Fleming said the board has a lot to think about, Councilman Ruthven mentioned our current excavation code, and considering a moratorium after discussing this with Counsel before we make any determination. Councilman Ruthven agreed with the moratorium, but asks if we don't all ready allow mining in the Town of Kent then how do we put a moratorium on it. If we don't control State mining permits can we ask the State for a moratorium? There are a lot of things that we need to discuss with Counsel. Jamie Spillane of Hogan and Rossi said looking at the time frame of a moratorium you want to be realistic, If there is nothing pending it could take longer than six months for anyone even to have that kind of application in front of you. If you have a moratorium everything gets resolved within that time frame so you do not have a situation where there is a moratorium and it expires, and it hasn't been resolved.

Maureen Galway -Perotti believes moratoriums can be extended and believes the Town of Southeast had extended theirs. Ann Fanizzi responded saying they did have an extension in Southeast. Councilman Denbaum asked if the idea is limited to the IOC District or the entire town. Will this effect residential as well as commercial property. Third will we be considering a lot zoned for two acres, would this moratorium halt all building in the town. If we do have a moratorium should we put in some variance procedure for good projects? He would also like to see Town Board since we are setting the policy to give the variances. Final thing is timing; a law needs to be proposed in writing to set up public hearing, if the moratorium is agreed upon the exact terms would have to be determined at the next meeting to set the public hearing which would be December 2nd. Maureen Galway-Perotti explained the documentation she provided discusses a general moratorium versus moratoriums specific to one land use. She suggested clarifying with the town's experts that this moratorium is for mining, so the building of an individual's home is not prohibited. Mrs. Fanizzi said in the Town of Southeast the variances were given by the town board. She said in regards to the types of moratoriums as long as it is not specific towards a particular development, but part of a review of a comprehensive plan which mining is a part of. She said in Southeast at first the moratorium dealt with commercial and later on extended to residential and became comprehensive.

Supervisor Fleming said if we were going to do a moratorium we could use that as a term and define removal or excavation that would satisfy a future mining code since we do not have a mining code. She said our attorney will have to look into this. Councilman Ruthven thought Chapter 63 of the Kent Code could address the moratorium. Supervisor Fleming thought it needs to be structured around existing code because we do not have mining in our code. Eileen Civitello said the removal of soil and rock as stated in the code is of 750 cubic yards or a 1,000 tons the same as the DEC before that it is not considered mining but site preparation. Councilman Huestis said after so many years master plans need to be looked at and suggested looking at the logging and blasting legislation too.

Mr. Pat Murphy of Meadow Court thanked the board for listening. He said about twelve residents complained about commercial truck traffic and he suggested sending an officer to a commercial vehicle enforcement school. He said on October 31 he turned left onto Route 52

from Farmers Mills Road in the rain and a tractor trailer hauling an excavator pulled out of the dirt driveway at the site leaving a trail of dirt rock and debris a half mile down the road. He called the Kent Police and made a report. He asked if someone could go to the site to see what they are doing there. Eileen Civitello said the committee did receive two reports over the last three months about activity on the site; she commended the planning and building department because they were on it quickly. There is a rock crusher there but maybe just being used for the bastard stone, there is no mining per se. Supervisor Fleming asked the board do they want to leave the public hearing open. Councilman Denbaum thought it should be closed as it seems there is not an appetite for this particular law. He thought we should take the comments, speak to counsel, and discuss the moratorium and if we have something present it at the next meeting.

Resolution #406 - Close Public Hearing on Mining Legislation

On a motion by Councilman Ruthven

Seconded by Councilman Denbaum

Resolved: The public hearing on mining legislation was closed.

Motion carried unanimously

Workshop

The board discussed the 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.

Roll Call

Supervisor Fleming – present

Councilman Denbaum – present

Councilwoman McGlasson – present

Councilman Huestis – present

Councilman Ruthven – present

Resolution #407 - Add to the Agenda

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

Resolved: Amending the 2020 Budget to include \$150,000 for Huestis Park bathrooms & playgrounds, \$100,000 for Ryan Park renovations including retaining walls and paving, \$25,000 for enforcement of the vacant and abandon homes issue, \$100,000 to the Ludingtonville Road Mill Site specifically the exterior and \$15,000 to town wide beautification including but not limited to banners and flags was added to the agenda.

Motion carried unanimously

Resolution #408 - Amendment to the 2020 Capital Budget

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

Resolved: The 2020 Budget be amended to include \$150,000 for Huestis Park bathrooms & playgrounds, \$100,000 for Ryan Park renovations including retaining walls and paving, \$25,000 for enforcement of the vacant and abandon homes issue, \$100,000 to the Ludingtonville Road Mill Site specifically the exterior and \$15,000 to town wide beautification including but not limited to banners and flags be transferred from the General Fund Balance to a Capital line.

The board took a poll vote as follows:

Councilman Denbaum – aye

Councilwoman McGlasson – aye

Councilman Huestis – aye

Councilman Ruthven – aye

Supervisor Fleming – abstained because she does not want to vote no because she is not against doing any of these projects but she would have liked to review the amounts that we are specifically allocating to projects, certainly this beautification projects has never been brought to her attention and the amount needed nor has it been discussed. It is an interesting idea but it's never been discussed before so she doesn't know if she wants to allocate so she abstained.

Motion carried

Resolution #409 - Adoption of 2020 Budget

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

WHEREAS, on November 7, 2019 the Town Board of the Town of Kent duly held a public hearing on the Preliminary Budget for the fiscal year 2020; and

WHEREAS, the Town Board heard all persons desiring to be heard in the matter, and the matter of the budget for the Town for said fiscal year was fully discussed and considered by the Town Board,

WHEREAS, the Preliminary Budget has been amended to include \$39,536 increase to the budget of the Kent Library as such increase was approved by vote of the Town electorate at the 2019 General Election and by \$400,000 addendum to the Capital Improvement Line from the General Fund,

NOW THEREFORE BE IT RESOLVED that the Final Budget, as incorporated herein and made a part hereof, is hereby adopted as the annual budget of the Town of Kent for the fiscal year beginning the 1st day of January, 2020 and that such budget as so adopted be entered in detail in the minutes of the Town Board; and

IT IS FURTHER RESOLVED that the Town Clerk of the Town of Kent, Yolanda D. Cappelli, shall prepare and certify in duplicate, copies of said annual budget as adopted by this Town Board, and deliver one copy thereof to the Town Supervisor Maureen Fleming, to be presented by her to the Putnam County Board of Legislators.
Motion carried unanimously

Resolution #410 - Determination of Significance under SEQRA Issuance of Bonds for Paving of Town Highways

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

WHEREAS, the Town Board is considering the paving of certain Town Highways which will be financed by the issuance of bonds; and

WHEREAS, the Town Board declares itself to be lead agency for purposes of the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, pursuant to 6 NYCRR 617.5(c)(5) the repaving of existing highways not involving the addition of new travel lanes is a Type II action, and requires no further review under SEQRA;

NOW THEREFORE BE IT, RESOLVED, that the Town Board does hereby determine, pursuant to 6 NYCRR Part 617, that proposed action may be processed without further regard to SEQRA; and it is further

RESOLVED, that the Town of Kent hereby authorizes the Town Supervisor to execute any document and take any action to further the purpose of this resolution.
Motion carried unanimously

Resolution #411 - Authorizing the Acquisition of Various Highway Equipment Stating the Estimated Maximum Cost Thereof is \$500,000. Appropriating Said Amount for Such Purpose & Authorizing the Issuance of Bonds of the Town in the Principal Amount Not to Exceed \$500,000 to Finance said Appropriation

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

BOND RESOLUTION OF THE TOWN OF KENT, NEW YORK,

ADOPTED NOVEMBER 19, 2019, AUTHORIZING THE ACQUISITION

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OF VARIOUS HIGHWAY EQUIPMENT, STATING THE ESTIMATED
MAXIMUM COST THEREOF IS \$500,000, APPROPRIATING SAID
AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE
OF BONDS OF THE TOWN IN THE PRINCIPAL AMOUNT OF NOT TO
EXCEED \$500,000 TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF KENT, IN THE COUNTY OF PUTNAM, NEW
YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members
of said Town Board) AS FOLLOWS:

Section 1. The Town of Kent, in the County of Putnam, New York (herein called
the "Town"), is hereby authorized to acquire various highway equipment. The estimated
maximum cost thereof, including preliminary costs and costs incidental thereto and the
financing thereof, is \$500,000 and said amount is hereby appropriated for such purpose. The
plan of financing includes the issuance of bonds of the Town in the principal amount of not to
exceed \$500,000 to finance said appropriation, and the levy and collection of taxes on all the
taxable real property in the Town to pay the principal of said bonds and the interest thereon as
the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of not to exceed \$500,000 are hereby
authorized to be issued pursuant to the provisions of the Local Finance Law, constituting
Chapter 33-a of

the Consolidated Laws of the State of New York (referred to herein as the "Law"), to finance
said

appropriation.

Section 3. The period of probable usefulness applicable to the object or purpose
for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of
the Law, is fifteen (15) years.

Section 4. Each of the bonds authorized by this resolution and any bond
anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of
validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in
anticipation of said bonds shall be general obligations of the Town, payable as to both principal
and interest by general tax upon all the taxable real property within the Town. The faith and

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credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the *"Putnam County Press,"* a newspaper having a general circulation in said Town, which newspaper is hereby designated as

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the official newspaper of the Town for such publication, and to post on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

Section 8. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Motion carried unanimously

Resolution #412 - Approve Highway Bond for Construction of Road Improvements

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

BOND RESOLUTION OF THE TOWN OF KENT, NEW YORK,
ADOPTED NOVEMBER 19, 2019, AUTHORIZING THE
CONSTRUCTION OF ROAD IMPROVEMENTS, STATING THE
ESTIMATED MAXIMUM COST THEREOF IS \$1,000,000,
APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND
AUTHORIZING THE ISSUANCE OF BONDS OF THE TOWN IN THE
PRINCIPAL AMOUNT OF NOT TO EXCEED \$1,000,000 TO FINANCE
SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF KENT, IN THE COUNTY OF PUTNAM, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Kent, in the County of Putnam, New York (herein called the "Town"), is hereby authorized to construct road improvements. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,000,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds of the Town in the principal amount of not to exceed \$1,000,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real

property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of not to exceed \$1,000,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to finance said appropriation.

Section 3. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 20 (c) of the Law, is fifteen (15) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the *"Putnam County Press,"* a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, and to post on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

Section 8. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Motion carried unanimously

Resolution #413 - Approve Highway Law §284 – Agreement

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

WHEREAS, Section 284 of the Highway Law provides that the Town Board and Town Supervisor of Highways shall enter into an agreement for the use of funds levied and collected for repair and improvement of highways; and

WHEREAS, consistent with the above referenced provision, the Town Board desires to enter into the 2020 Agreement Regarding the Expenditure of Highway Funds (the "Agreement"), in the form annexed hereto and incorporated herein by reference;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves the attached Agreement and any documents necessary to give effect to this Resolution.

Motion carried unanimously

Resolution #414 - Authorizing Town Clerk to Advertise for Annual Bids for Highway Services & Materials

On a motion by Councilwoman McGlasson
Seconded by Councilman Ruthven

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes its Town Clerk, Yolanda D. Cappelli, to advertise for annual bids for Highway Services and Materials.

Motion carried unanimously

Resolution #415 - Accepting Member to the Lake Carmel Fire Department

On a motion by Councilwoman McGlasson
Seconded by Supervisor Fleming with gratitude

WHEREAS, the Lake Carmel Fire Department has recommended the acceptance of Richard Redlon, a member of the Purchase Fire Department, to respond to calls with the Lake Carmel Fire Department as a mutual aid member; 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 Richard Redlon, a member of the Purchase Fire Department, to respond to calls with the Lake Carmel Fire Department as a mutual aid member.

Motion carried unanimously

Resolution #416 - Appoint Member to Lake Carmel Park District Advisory Board

On a motion by Councilman Ruthven
Seconded by Councilwoman McGlasson

WHEREAS, the Lake Carmel Park District Advisory Board (the "LCDPAB") currently has vacancies, and Andrew Bargamian and Madeline Perez have submitted applications and been interviewed to fill said vacancies; and

WHEREAS, Dale Cusack, Chairman of the LCPDAB has recommended the appointment of Andrew Bargamian and Madeline Perez to the Board; and

WHEREAS, the Town Board of the of Kent wishes to appoint Andrew Bargamian and Madeline Perez to fill the vacancies on the LCPDAB;

NOW, THEREFORE, BE IT RESOLVED, that Andrew Bargamian be appointed as a member of the Lake Carmel Park District Advisory Board filing the term of Christy Williams which term expires on December 31, 2021; and

BE IT FURTHER RESOLVED, that Madeline Perez be appointed as a member of the Lake Carmel Park District Advisory Board filing the term of Brett Harrison which term expires on December 31, 2020.

Motion carried unanimously

Resolution #417 -Authorizing Correction of Violations, Acceptance of Proposal & Charge to Property Owners

On a motion by Councilman Ruthven

TOWN BOARD MEETING NOVEMBER 19, 2019

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:

29 Hilltop Court	Tax Map 31.5-1-19
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

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:

29 Hilltop Court	\$300	FI Adams Inc.
35 Larchmont Road	\$300	FI Adams Inc.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the proposals of FI Adams Inc., as described above for a total cost not to exceed \$600; 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 #418 - Appointing Assessor

On a motion by Councilman Ruthven
Seconded by Supervisor Fleming

WHEREAS, pursuant to Town Law 64(5), when a vacancy occurs in any town office, the Town Board of the Town of Kent may appoint a qualified person to fill the vacancy; and

WHEREAS, there is currently a vacancy in the appointive office of Town Assessor, which term; and

WHEREAS, the Town Board of the Town of Kent finds Seth Plawsky to be a person qualified to serve as provisional Town Assessor and wishes to appoint Mr. Plawsky as Town Assessor on a provisional basis;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby appoints Seth Plawsky as provisional Assessor of the Town of Kent, on a part time basis, for a period of 6 months commencing on December 2, 2019.

Poll Vote as follows:

Councilman Denbaum – abstained, his objection is not to the candidate or the person but is unsure whether a part time assessor is the right move.

TOWN BOARD MEETING NOVEMBER 19, 2019

Councilwoman McGlasson – aye
Councilman Huestis – aye
Councilman Ruthven – aye
Supervisor Fleming - aye
Motion carried

Resolution #419 - Vouchers & Claims

On a motion by Councilman Huestis

Seconded by Councilman Ruthven

Resolved: All Vouchers #200152954 - #200153080 and claims submitted by:

1. Global Montello Group Corp.	\$3,220.48	Fuel
2. Lewis & Greer, P.C.	\$2,757.78	Legal Services
3. Magna5	\$4,683.91	Telephone Service
4. Northeast Aquatic Research, LLC	\$2,527.00	Lake Tibet Survey/Monitoring
5. NYS Dept of Civil Service	\$205,600.59	Health Insurance: November
6. Royal Carting	\$4,758.00	Recycling Garbage
7. Ted Hill Pest Control, LLC	\$3,200.00	Lake Carmel Community Center
8. Toshiba Business Solutions	\$2,466.87	Lease/Maintenance
9. Northwind Kennels	\$12,206	

In the amount of \$297,144.88 may be paid.

Motion carried unanimously

Correspondence – (attached)

Public Comment

There was none.

Resolution #420 - Adjournment

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

Resolved: The town board meeting of November 19, 2019 adjourned at 9:17 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli
Town Clerk