

TOWN BOARD MEETING OCTOBER 19, 2021

A regular Town Board Meeting was held on Tuesday, October 19, 2021 at 6:15 p.m. at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York. To see the full meeting visit the Town of Kent's website at www.townofkentny.gov under Video's on Demand.

Resolution #313- Adjourn to Executive Session

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The Board adjourned to executive session at 6:20 p.m. to discuss to discuss, the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Motion carried unanimously

Resolution #314 – Adjourn Executive Session

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

Resolved: Executive Session adjourned at 7:00 p.m.

Motion carried unanimously

Pledge of Allegiance

Supervisor Fleming called the meeting to order with the Salute to the Flag at 7:00 p.m.

Roll Call

Supervisor Fleming – present

Councilman Denbaum – present

Councilwoman McGlasson – present

Councilman Huestis – present

Councilman Ruthven – present

Also present: Town Clerk Cappelli, Town Counsel Tagliafierro, Chief Owens, Recycling Co-Chair Kotzur and several members of the public.

The board moved Item 3 K and 3 B up on the agenda.

Resolution #315 - Authorization to Offer Items for Sale Through Auctions International, Inc.

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

WHEREAS, by Memorandum dated October 14, 2021, Richard T. Othmer, Superintendent of the Town of Kent Highway Department, has advised that the Highway Department is no longer in need of two US Army Surplus 2-1/2 Ton Utility Trailers M1082 (hereinafter, collectively, the "Equipment") and has recommended that said equipment be offered for sale to third parties through auction; and

WHEREAS, the Town Board wishes to authorize the Highway Department to use the services of Auctions International Inc., to offer the Equipment for sale to third parties.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent, authorizes the Town of Kent Highway Department to offer the Equipment for sale through Auctions International, Inc. Motion carried unanimously

Resolution #316 - Authorizing Purchase of Caterpillar 304 Mini Excavator & Cam Utility Trailer

On a motion by Councilman Denbaum

Seconded by Councilman Ruthven

WHEREAS, the Town Board of the Town of Kent has received a request from the Town Highway Superintendent to purchase (i) a Caterpillar 304 Mini Excavator (the "Excavator") and (ii) a 18'/5 ton payload- Cam Utility Trailer (the "Trailer"); and

WHEREAS, the Town Board has determined there is a need to purchase the Excavator and the Trailer; and

WHEREAS, the Town Board has been provided with a proposal for the Excavator from HO Penn Company in the amount of \$67,725 pursuant to US Government Contract; and

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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, the Town Board is in receipt of four quotes for the Trailer, with the lowest quote being from Hudson River Truck & Trailer for an overall cost of \$9,191; and

WHEREAS, in accordance with the Town's Procurement Policy and the General Municipal Law, the Town Board wishes to authorize the Highway Department to purchase the Excavator and Trailer 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 following purchases (i) a Caterpillar 304 Mini Excavator for a price not to exceed \$67,725 from HO Penn Company pursuant to US Government Contract; and (ii) a 18'/5 ton payload- Cam Utility Trailer for a price not to exceed \$9,191 from Hudson River Truck and Trailer; 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 #317 - Authorizing Town Clerk to Publish Notice Public Hearing, Unsafe Structure TM#44.5-2-28 & 44.5-2-29

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 dated September 9, 2021 (the "Order to Remedy") directing the owner to remove an unsafe structure on the premises identified as 238-240 Route 52, Kent, New York, known as Tax Map Nos. 44.5-2-28 and 44.5-12-29 (the "Property"), and the Owner has failed to comply; and

WHEREAS, in accordance with Town Code Chapter 29, the Building Inspector must serve the Owner with Notice that corrective measures must be begun within thirty days of service, and the Board must schedule a public hearing to consider removal of the unsafe structure by the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes and directs the Town Building Inspector to serve the Notice as set forth hereinabove; and

BE IT FURTHER RESOLVED, that the Town Board will hold a public hearing at the Town Hall, in the Town of Kent, New York at 7:00 o'clock P.M. on December 7, 2021, to consider the removal of said unsafe structure 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 five (5) days prior thereto. Motion carried unanimously

Resolution #318 - Approve Inter-Municipal Agreement with Putnam County for Electrical Inspections

On a motion by Councilwoman McGlasson
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 for the performance among themselves or one for the other of their respective functions; and

WHEREAS, the Town of Kent (the "Town") acknowledges that there is a critical need to utilize every means available to provide the maximum services in the most cost-effective manner and at the least possible cost to the local taxpayers, and that flexibility in operating local governments through shared services and resources is necessary to insure efficiency and maximum benefits to the local taxpayers which will result in efficient and cost effective work performance; and

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WHEREAS, pursuant to New York Executive Law §381(2) any local government may enter into an agreement with the county in which such local government is situated to administer and enforce the uniform code, the state energy conservation construction code, or both, within such local government; and

WHEREAS, the County of Putnam (the "County") intends to enter into a contract with an electrical inspector consultant (the "Inspector") to perform electrical inspections, re-inspections or altered electrical wiring (collectively referred to as "Electrical Inspections") in accordance with the standards of the National Electrical Code, New York State Uniform Fire Prevention Code, New York State Building Code, and all other applicable national, state and local regulations, ordinance and codes for residential and commercial properties located within the County, including those properties located within the Town; and

WHEREAS, the Town wishes to authorize the County, through its Inspector and at no cost to the Town, to administer Electrical Inspections within the Town's jurisdiction; and

WHEREAS, taxpayer monies will be saved by entering into such an agreement and it is in the best interests of the Town to do so.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves the Inter-Municipal agreement with the County to provide Electrical Inspections at no cost to the Town; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to execute any and all agreements and other documents necessary to give effect to this Resolution, consistent with the terms hereof, all in form satisfactory to the Supervisor and the Town Attorney.
Motion carried unanimously

Resolution #319 - Authorizing Purchase of Toro Sand Pro 5040 Field Groomer for Recreation & Parks Department

On a motion by Councilman Ruthven
Seconded by Councilwoman McGlasson

WHEREAS, the Town Board of the Town of Kent has received a request from Jared Kuczenski, Director of Recreation and Parks, to purchase a Toro Sand Pro 5040 Field Groomer; and

WHEREAS, the Town Board has been provided with a proposal for a Toro Sand Pro 5040 Field Groomer pursuant to Sourcewell Contract #031121-TTC; 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 Recreation and Parks Department to purchase the Field Groomer for a price not to exceed \$27,898.89;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes and approves the purchase of a Toro Sand Pro 5040 Field Groomer pursuant to Sourcewell Contract #031121-TTC for a price not to exceed \$27,898.89; 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

Authorization to Offer Sandstar Field Groomer for Sale to Lake Carmel Park District

This Item was tabled

Resolution #320 - Authorizing Town Clerk to Advertise for Part Time Recreation Assistant

On a motion by Councilwoman McGlasson
Seconded by Councilman Ruthven

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

WHEREAS, the Town of Kent wishes to advertise for applications to fill said position;

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 applications for the Part Time Recreation Assistant position for the Town of Kent Recreation and Parks Department.

Motion carried unanimously

Resolution #321 - Authorizing Correction of Violations, Acceptance of Proposal & Charge to Property Owners TM#11.11-1-25 & TM#33.58-1-34

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 of rubbish, excess weed, grass and brush growth from the following properties:

21 Kent Lake Ave, Tax Map 11.11-1-25;

11 Hawthorne Road Tax Map 33.58-1-34; 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 to each request, 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:

21 Kent Lake Ave \$ 225 JB Affordable Lawn Care Inc.

11 Hawthorne Road \$ 125 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 \$350; 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

Police – Body Cameras

Chief Owens and Sergeant Ashe gave a brief overview of the program where Axon lends you the equipment to test it. Three officers were chosen for the year pilot program. They were provided with the equipment and access to Evidence.com where the data is stored and shareable. Chief Owens believes it will eventually be mandated by the State, he said a grant was applied for but it is a small amount compared to the total cost. He said they have been able to use stored video in cases. If the board is in favor of this they will go back and develop a policy and procedure and fine tune Axon's proposal to what they need to work for the department. The board was in agreement. Chief Owens explained a taser and camera is received for all officers, each camera is programed for each officer,

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which downloads to that officer's page on the site. Each officer is not able to see each other's evidence only supervisors can see all. When your weapon or taser is drawn the camera will automatically activates.

Resolution #322 - Accept Grant for Bullet Proof Vests

On a motion by Supervisor Fleming

Seconded by Councilman Ruthven

Resolved: The grant received from the Bureau of Justice Assistance under the fiscal year 2021 Patrick Leahy Bulletproof Vest Partnership for \$4,945 to the Town of Kent Police Department was accepted.

Motion carried unanimously

Resolution #323 - Set Public Hearing for Fire Protection with Lake Carmel Fire Department

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

WHEREAS, the Kent Town Board has negotiated for fire protection services with the Lake Carmel Fire Department for calendar years 2022 and 2023, a copy of said contract is annexed hereto; and

WHEREAS, the Town Board wishes to set a public hearing on the aforementioned contract.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby sets a public hearing on said contract at the Town Hall, in the Town of Kent, New York at 7:00 p.m. on Tuesday, November 9, 2021; 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 five (5) days prior thereto.

Motion carried unanimously

Resolution #324 - Authorizing Acceptance of Proposals of American Tower for Equipment Installation

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

WHEREAS, the Town, as Landlord, previously entered into Lease Agreements with Homeland Towers, LLC as Lessee for sites within the Town of Kent, including, a site at 21 Smokey Hollow Court, Carmel, New York 10512 (hereinafter, "the Lease Agreements");

WHEREAS, pursuant to the Site Lease Agreements the Lessee must obtain the consent of the Town Board prior to the installation of certain equipment of users of the tower on the site; and

WHEREAS, the Lessee is requesting the Town Board's approval on a proposal for the installation of equipment by T-MOBILE at 21 Smokey Hollow Court, consistent with the proposal submitted by American Towers, a copy of which is annexed hereto and hereby incorporated; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby consents to the proposal submitted by Lessee; 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 #325 - Authorizing the Town Justice Court to Apply for JCAP Grant

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

Now Therefore, Be It Resolved that the Board of the Town of Kent authorizes the Town of Kent Town Court to apply for a JCAP grant in the 2021-22 grant cycle in an amount up to \$30,000; and it is

Further Resolved, that the 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.

Upon Roll Call Vote:

Councilman Denbaum – nay, he said it's going to pass, this is silly, we pay someone in Albany to actually do this, to waste everyone's time, our attorney's time, everyone's time, and then say this is your option, you need to say "the board of the Town of Kent", we are not the board of the Town of Kent, we are the

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Town Board of the Town of Kent, we have multiple boards in the Town of Kent. The way we do the resolutions is correct, this is incorrect. He said this will pass, he wants the money but someone should vote no to let the bureaucracy know they are wasting everyone's time and tax payers money and it is ridiculous and such a NY Bureaucracy thing to do and voted no.

Councilwoman McGlasson – aye

Councilman Huestis – aye

Councilman Ruthven – aye

Supervisor Fleming – aye she does not believe the main objection to this is that we didn't say the board of the Town of Kent but the main objection was that we never set an amount.

Motion carried

Resolution #326 - Rescind Resolution #306

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: Resolution #306 was rescinded.

Upon Roll Call Vote:

Councilman Denbaum – nay, he liked the original

Councilwoman McGlasson – aye

Councilman Huestis – aye

Supervisor Fleming – aye

Motion carried

Resolution #327 - Authorizing Acceptance of Brutting Collection by the Town Historian

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

WHEREAS, the Town Board of the Town of Kent is in receipt of a letter from Mrs. Betty M. Behr, representing Mrs. Linda Brutting White and Mrs. Patricia Brutting Berringer and offering to donate a collection of historical documents (the "Brutting Collection") to be held by the Town Historian; and

WHEREAS, Town wishes to accept the donation of the Brutting Collection, with gratitude.

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby accepts the donation with thanks to Betty M. Behr, Linda Brutting White and Patricia Brutting Berringer; 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 #328 - Set Public Hearing for the 2022 Preliminary Budget

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

BE IT RESOLVED that pursuant to Town Law §108, the Town Board of the Town of Kent will hold a public hearing on the preliminary budget for the 2022 Calendar year; and

BE IT FURTHER RESOLVED, that copies of the preliminary budget, 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 preliminary budget at the Town Hall, in the Town of Kent, New York at seven o'clock P.M. on November 4, 2021, and

BE IT FURTHER RESOLVED, that the Town Clerk publish or cause to be published the attached public notice in the official newspaper of the Town of Kent of said public hearing at least five (5) days prior thereto.

Motion carried unanimously

Resolution #329 - Approval of Vouchers and Claims

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

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Resolved: All Vouchers #200160923 - #200161042 and claims submitted by:

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1. Cemco	\$2,938.70	Water District #1
	\$4,412.90	Water District #2
2. City Carting	\$20,758.11	Lake Carmel Garbage
3. Magna5	\$3,912.75	Telephone Service
4. Metal Building Restoration	\$70,000.00	Requisition #1: Highway
5. Newtown Veterinary Specialist	\$3,324.63	Maverick Medical Services
6. NYCOMCO	\$2,846.00	2 Way Radios: Police
7. NYS Dept. of Civil Service	\$209,435.17	Health Insurance: October
8. Purchase Power	\$2,000.00	Postage 10/6
	\$2,000.00	Postage 10/18
9. Roemer Wallens Gold & Mineaux LLP	\$3,415.19	Grievances
10. Royal Carting	\$4,394.20	Recycling Garbage
11. Schultz Ford Lincoln	\$45,344.95	Police Ford SUV
12. Springbrook Holding Co.	\$6,353.15	Finance Maintenance Renewal
13. Town of Kent Municipal Repairs	\$15,599.18	Chargebacks: Sanitation
14. Wind River Environmental	\$3,925.00	Vactor: Sewer District

In the amount of \$445,026.99 may be paid.

Motion carried unanimously

Announcements

-Volunteers are needed to prepare taxes, there is free training – call Linda 845-475-7500 for information.

-Solarize Kent – a opt in program to purchase solar energy from a solar provider, there is up to 10% savings and you will receive a \$100.00 gift card.

-Kent Historical Society is having tours of the one room School House on Farmers Mills Road on October 28, 2021 from 10:00 a.m. to noon.

-Early Voting takes place at 2 locations the North Highlands Fire House, 504 Fishkill Road, Cold Spring and the Putnam County Board of Elections, 25 Old Route 6 Carmel. 10/23 & 10/24 9Am – 2PM, 10/25 9AM – 5 PM, 10/26 9AM – 8 PM, 10/27 9AM – 5 PM, 10/28 9Am – 8PM, 10/29 9 AM – 5 PM, 10/30 & 1/31 9AM – 2PM

-National Suicide Prevention Lifeline 800/273-talk and Putnam County Crisis Hotline 845/225-1222 if you know anyone who you are concerned about.

-November Town Board meetings will be 11/9 & 11/16.

-E-Waste Day is Saturday, October 23, 2021 at Town Hall from 9am – 12 PM

Public Comment

Bob Ulich asked about follow up on the dock behind the residence of 8 Teatown Court, he said it is a hazard and was authorized by the town board to be removed in August of 2017. He asked the board to follow up on this.

Resolution #330 - Adjourn to Executive Session

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

Resolved: The Board adjourned to executive session at 8:50 p.m. to discuss to discuss, Personnel.

Motion carried unanimously

Resolution #331 - Adjournment

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: the Town Board Meeting of October 19, 2021 adjourned at 10:00 P.M.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli
Town Clerk