## **Town of Kent**

## **Town Board Meeting**

August 1, 2023

## **Public Hearing 7pm**

## **Excavation Law**

# Workshop/Meeting

- 1. Pledge of Allegiance
- 2. Roll Call
- 3. Discussion and/or Vote on the following:
  - a. Water District-Bonds
  - b. Highway- items to auction, paper roads
  - c. GenServe-quotes
  - d. Recreation-purchase mower
- 4. Vouchers
- 5. Announcement
- 6. Public Comment

A regular Town Board Meeting was held on Tuesday, August 1, 2023 at 7:00 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 <a href="https://www.townofkentny.gov">www.townofkentny.gov</a> under Video's on Demand.

At 7:00 p.m. Supervisor McGlasson called the meeting to order with the Pledge of Allegiance.

#### Roll Call

Supervisor McGlasson- present Councilwoman Campbell- present Councilman Boyd –present Councilman Tompuri- not present Councilman Ruthven- present

Also present: Town Clerk Cappelli, Town Counsel Tagliafierro, Highway Superintendent Othmer, Police Chief Owens, Building Inspector Walters, Environmental Consultant Bruce Barber, Recycling Chair Kotzur and several members of general public.

### Resolution #246 - Open Public Hearing - Excavation Law

On a motion by Supervisor McGlasson Seconded by Councilman Ruthven Resolved: The Public Hearing on the Excavation Law was opened. Motion carried unanimously

Councilman Ruthven thought everyone familiar with the law and asked for public comment, he explained Bruce Barber is here to help answer some questions. Eileen Civitello, Kent resident appreciated the attempt from the board. She talked about various sites within the county that have become excavation sites effecting the quality of life and the quality of the landscape of those residents and believes that has driven the law to protect the Town of Kent from that type of excavation aka mining. She said separate from legitimate development the removal from the earth of natural materials for the purpose of profit has been their fear and concern. She has read the document a few times, sometime not understanding the law and other times she seems to understand. She was surprised in A. Purpose and intent it never says to prevent rock from being mined for profit. The Code is called Town of Kent Excavation and Mining Chapter 63. She sees the word mining in the title but not much through the code besides mining defined. She raised concerns if we are not calling it will we be covering mining. She asked if you see the intent of preventing rock to be mined for profit in the code that she does not see. Councilman Ruthven said mining will be dropped from the title, commercial mining is not allowed in the Town of Kent. Eileen asked if not allowed why in the definitions is mining defined which she read. She said we are not going to write a code that calls mining, mining and we are not going to mention the word mining in the code, but we say activities associated with the processing of such materials if permitted. She asked if under certain circumstances we are going to permit mining. Councilwoman Campbell referred to page 3. C. 1. Mining as defined under this code is prohibited in the Town of Kent. Eileen agreed but said the definition of mining states if permitted and asked if there is a loop hole. She asked why rock is not mentioned. She said rock is a billion dollar business in the State of NY as we are plentiful with the natural resource, it is valuable, valuable to our society our roads to our infrastructure, building it's a precious commodity. She thinks if that is the development that the Town of Kent has in its history, residents should have a say in that as it has an effect. She asked if we are just discussing a revision to our excavation code and revisit rock removal code. She does not think not saying the word rock and hoping it's covered under an excavation code that refers to materials she does not feel it is specific enough. She said we talk about the 750 cubic yards or 1,000 tons. Councilman Ruthven replied it is a revision of Chapter 63. Eileen asked what about the fact that it states if mining is permitted she said we do not have a code about mining yet we do refer to mining if permitted it and raised concerns about the code giving discretion to any town board. Code needs to withstand what's right not who is right. She said she is so cynical she sees a people coming here to be put in a position to have it be their discretion as to what excavation or rock removal is being done. Bruce Barber the Town's Environmental Consultant said the draft ordinance has been a work in progress for a year now. He said this code prohibits mining but mining in this code is not defined by so much profit and loss of the operation but by thresholds of activity. Meaning how much digging or excavation is going on and how much of that is leaving the site. The town tried to prevent those with the intent to mine a site and walk away, the rocks are going out for many months if not years. He said the town board thought how can we develop good development and not have that continue to happen. The threshold was established allowing a certain amount of material to leave the site which is basically the threshold of a DEC mining permit and also to allow a certain threshold to occur on the site without going to the town board for a special use permit, it is a two tiered process. If they are using material on site called a balance activity to create good development there should be an opportunity for them to process the material on the site but that is a threshold as well. He said there is a threshold of blending together a certain level of activity not having it be so onerous that people who are trying to build a house or a small commercial development are

going to get involved with this type of permit threshold. They would be involved with the planning board not this level with the town board. He said mining is prohibited. He said rock is absolutely mentioned throughout the code and in the definition of excavation in terms of removal, when removing rock that is in part the definition of excavation, he hears maybe the clarity of the definitions the clarify of the thresholds need to be clear to anyone reading them. He said it was not the goal to limit profit or measuring profit, he said some may take a lot of rock off and lose their shirt, or make a lot of money they created a threshold of activity how much rock removal. Eileen asked about the definition if permitted. Bruce clarified the if permitted in the mining definition explaining if people are taking out part of a rock area and will be using that to put under their foundation or slab but it has to be grinded up that is processing and will be upon the approving authority whether to approve it or not. He referred to page 2 the definition of processing different than mining he said threshold and referred to page 3 C. 2. Anytime you are over 750 cubic yards or 1,000 tons within a 12 month period. He said C. 4. These are the types of thresholds that need this special use permit. Requires an excavation permit within a rectangle of a 10,000 square. Which is in another section of code called Environmentally Sensitive Land. It takes care of the smaller properties. Eileen asked if this covers people just coming in for rock. Bruce read excavation is the disturbance or removal of material including soil, rock and or materials from land for the purpose etc.

Kathy Doherty stated mining as defined under this code is prohibited in the Tow of Kent. She said #2 are you telling us what that is, this is what if you were going to do this you would get a permit. Bruce said anything over those thresholds would require a DEC permit. Kathy Doherty asked how you prevent that. She said the bus garage went directly to the DEC for a permit, the town did not know about it, how do we know someone will not do the same if they intend to move more than the 750 cubic yards. Bruce explained it that circumstance that applicant appeared before the planning board and developed a site plan, indicating they were going to improve the site with buildings, etc. as part of that approval process they developed a grading plan showing these excavations and followed the rules in the Town Code to get site plan approval because Chapter 63 did not have the ability to do what this new code is intended to do it was a loop hole being able to do that while obtaining a DEC permit, he said the planning board did not have the tools at that time like this code to change and amend the site plan accordingly. Kathy asked if there is some way if the applicant tries to get a DEC permit the town would know, she said they allow for a 30 day comment period but how would they know. Is there some way the town board and planning board can be aware of this. Councilman Ruthven replied with these thresholds it will not get past the planning board approval in order for them to trigger the DEC for a permit. Bruce said the idea is someone walks in to the Planning Board and will develop materials to submit to the planning board. They will be able to look at the thresholds, how many cubic yards, how much surface area, etc. and if those thresholds are met or exceeded the review of the planning board stops and heads to the town board for review. Once the town board has looked at it then and only then does it go back to the planning board for the environmental reviews the SEQRA reviews the permits etc. Once done it goes back to the town board for the Special Use Permit conditions which could be in addition to the Planning Board has already imposed. Kathy asked about on page 9 & 13, Waiver of Requirements and Standards it states Town Board and/or Planning Board and asked if it should be Town Board and Planning Board. She asked if it should be consistent so it is not muddied. She asked about page 13. N. 4 & 5, it refers to Code Enforcement Officer should it read Building Inspector/Code Enforcement Officer. She asked about page 10, 14. The applicant shall submit weekly reports she asked who gets the paper work. The board in agreement it should go to a full time building inspector and not the town board and also added at the expense of the applicant. In response to Kathy's question, Bruce explained under on page 9 J. 2 and K. 2. The difference is that under J. 2 there is a bunch of requirements, two pages of requirements and both the town board and the planning board are looking at them and sometimes one size does not fit all and be necessary. Each entity upon their review has an opportunity to waive certain requirements, however under K. Performance Standards these are now approved projects that are supposed to do something out in the field an approval has been generally granted and therefore there should not be a waiver from either town board or planning board.

Julie Boyd thought the code great and appreciated the work and effort. She noted some grammar corrections under the definition of mining it should read from the earth not form the earth. She liked the wording in section C. 5. E. she said F. 1. B. on page 5. She looks at words that can be interpreted in different ways," detrimental" she said her version of detrimental and your version of detrimental may not have the same meaning. She said page 8. I cc. Talks about water well testing. She said she is not sure if we need to clarify but on we should be testing wells downhill from the project, those are normally contaminated. She said in section I. 2. Page 8. You're asking to see the DEC mining permit. She asked are we the chicken or the egg. Bruce said when applicants are before the planning board depending upon the size of the project will be a certain threshold under the SEQRA review process, if they have an unlisted action under SEQRA the applicant can do what is called an uncoordinated review and can actually apply on their own without any knowledge from the Town for a DEC mining permit with a Type 1 Action which is considered a larger scale action lead agency would be established in most cases as the Planning Board. They would conduct a coordinated review in which case this would be refereed

to DEC but nothing prevents an applicant from applying in advance of this. Often an applicant will want to have that in their back pocket before they head to the town and that is what has happened in the past. Councilman Ruthven asked if we have a check on this in the new code. Bruce replied we did not have before a prohibition of this mining or if you're working the site the tools that the planning board needs to insure that there is development going on, he said the town board does not want to see a large site just stripped, people say they are going to build a commercial development here and have a good development on paper but have no intention of doing it. The code is set up to have the town board and the planning board to have the authority to create thresholds. You can do a section of it but we want to see a building, once the building is up and you have a CO then you can do another sections. It is a much more intelligent approach to controlling development. Councilman Ruthven raised concerns why an applicant would walk in with a DEC mining permit. Bruce said DEC has their own rules and thresholds so it would seem based upon this code that they would not be eligible to get a mining code from DEC. It is conceivable they could apply for a DEC permit and circle back to the town and the town would say you would have to amend those conditions to fit this ordinance to make it work for this town. Kathy said on the DEC permit for the bus garage a question was asked of the applicant is mining allowed and he marked off it was. Julie thought page 10 number 7 is confusing. Bruce explained 50' is the minimum if the board thinks it is sensitive or an issue for example with a senior home facility the town board can use its power to add to that. She said 13. A. the removal of or before rock chipping. She asked is Section L. about placing a bond, she asked if bond rates change depending upon the cost of a project. Councilman Ruthven explained it is based upon the project. Julie asked about 7. Restoration of lands. She was told that the bus garage property was restored to DEC's version. She was concerned about the definition on page 13. #7 it talks about restoration of land, she thinks restoration should be defined as to what we expect or should be. Julie asked about the phases, do they have to completely finish a phase before going on to the next. Bruce said there was restoration plan developed by the planning board for the bus garage property, basically upon completion at grade, if a building was not constructed within 2 years of a building, top soil was to be installed and seeded as a meadow. In the process at the 2 year mark the school district acquired the property and has their own set of rules and regulations they follow and so they did not follow the restoration and could not enforce it. He understands it is going through the legal process currently. He cannot comment on where it is. He said as far as phasing they must be complete and a CO given before beginning another phase. Eileen said apparently Kent Materials sold to the school district without getting their bond back and remediating the original excavation and asked how that happen. Councilman Ruthven said the fact that the owner who purchased it being the school district is the issue. Kathy asked if someone can sell the material if they wanted to. Bruce said on page 3 C.2 it talks about thresholds and the removal whatever they do with it whether they use it, sell it, it is not the objective of determining this code, it is a threshold. There is no real price tag. Councilman Ruthven said up to 750 cubic yards could be sold. Councilman Boyd asked if that is per property, if you had a development going in with 10 lots could they times that by 10. Bruce said no, under SEQRA if lots are not contiguous but part of the same project they would all be lumped into one project one threshold. Councilman Boyd asked under definitions of mining does it include water bodies. He said if he obtained a DEC permit to make a lake he can technically come in if it is a water body and thought water body needs to be redefined. Councilman Ruthven asked if it is a water body before you make it a lake or just a mine. He asked about dredging a lake like Lake Carmel is considered mining. Bruce said he is not sure but should be clarified.

## Resolution #247 - Close the Public Hearing - Excavation Law

On a motion by Councilman Ruthven

Seconded by Councilwoman Campbell

Resolved: The Public Hearing was closed but the town board will remain open to receive any written comment by August 17, all comments to be sent to the Town Clerk.

Motion carried unanimously

Public Hearing – Water District #1 & #2

Supervisor McGlasson asked for public comment there was none. Also no written comments were received.

## Resolution #248 - Close the Public Hearing - Water District 1 & 2

On a motion by Supervisor McGlasson Seconded by Councilman Ruthven

Resolved: The Public Hearing for Water District 1 & 2 was closed.

Motion carried unanimously

At a meeting of the Town Board of the Town of Kent, in the County of Putnam, New York, held at the Town Hall, 25 Sybil's Crossing, Kent, New York, on the 1st day of August, 2023.

#### PRESENT:

Jaime McGlasson, Supervisor Chris Ruthven, Deputy Supervisor/Councilperson Jorma Tompuri, Councilperson Anne Campbell, Councilperson Shaun Boyd, Councilperson

# 249

In the Matter

of the

Increase and Improvement of Facilities of Water District No. 1 in the Town of Kent, in the County of Putnam.

New York, pursuant to Section 202-b of the Town Law

Offered by: Councilman Ruthven

Seconded by: Councilwoman Campbell

#### RESOLUTION AND ORDER AFTER PUBLIC HEARING

WHEREAS, the Town Board of the Town of Kent (herein called the "Town"), in the County of Putnam. New York, on behalf of District No. 1 (herein called the "District") has heretofore adopted a resolution authorizing the increase and improvement of facilities of Water District No. 1, consisting of water distribution and treatment system upgrades and improvements to address water quality and system resiliency, new drinking water standards and to enhance District infrastructure, all as further described in said map, plan and report dated July 11, 2023, and any ancillary or related work required in connection therewith, at the estimated maximum cost of \$845,000; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of such facilities, specifying the estimated maximum cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on July 25, 2023 at the Town Hall, 25 Sybil's Crossing, Kent, New York; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on July 25, 2023 and continued to the date hereof at the Town Hall. 25 Sybil's Crossing, Kent, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities;

Now, therefore, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated maximum cost of \$845,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that Barton & Loguidice, D.P.C., engineers duly licensed by the State of New York (the "Engineer") shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of

facilities shall be financed by the issuance of not to exceed \$845,000 bonds of the Town, the costs

of said increase and improvement of facilities, including payment of principal of and interest on

said bonds, shall be paid by the assessment. levy and collection of assessments upon the several

lots and parcels of land within the District which the Town Board shall deem especially benefited

by said improvements, so much upon and from each as shall be in just proportion to the amount of

benefit which the improvement shall confer upon the same, to pay the principal of and interest on

said bonds as the same shall become due and payable; and it is hereby

FURTHER ORDERED, all or part of the cost of the project may be financed through

Town bonds, the New York State Environmental Facilities Corporation (EFC) State Revolving

Fund (SRF), one or more Water Infrastructure Improvement Act (WIIA) grants, and/or any other

grant funds received by the Town and any such grant funds received are authorized to be used to

pay a part of the cost of such project, or to pay debt service related thereto; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a

certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Putnam

County within ten (10) days after adoption thereof.

DATED: August 1, 2023

(SEAL)

TOWN BOARD OF THE TOWN OF

KENT

The adoption of the foregoing Resolution and Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Jaime McGlasson	voting aye
Councilperson Chris Ruthven	voting aye
Councilperson Jorma Tompuri	voting not present
Councilperson Anne Campbell	voting aye
Councilperson Shaun Boyd	voting awe

The Resolution and Order were declared adopted.

# 250

BOND RESOLUTION OF THE TOWN OF KENT. NEW YORK, ADOPTED AUGUST 1, 2023, APPROPRIATING \$845,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF DISTRICT NO. 1, AND AUTHORIZING THE ISSUANCE OF \$845,000 BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

Offered by:

Councilman Ruthven

Seconded By:

Councilwoman Campbell

#### Recitals

WHEREAS, following preparation of a map, plan and report by Barton & Loguidice, D.P.C., engineers duly licensed by the State of New York (the "Engineer") and an estimate of cost for the increase and improvement of facilities of District No. 1 (the "District"), in the Town of Kent (the "Town"), in the County of Putnam, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

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

Section 1. The Town Board hereby appropriates the amount of \$845,000, for the increase and improvement of facilities of Water District No. 1, consisting of water distribution and treatment system upgrades and improvements to address water quality and system resiliency, new

#### **CERTIFICATE**

I, YOLANDA CAPPELLI, Town Clerk of the Town of Kent, in the County of Putnam. State of New York, HEREBY CERTIFY that the foregoing annexed resolution of the Town Board of said Town adopted at a meeting duly called and held on August 1, 2023, has been compared by me with the original resolution as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Kent this 2 day of August, 2023.

(SEAL)

Yolanda Cappelli Town Clerk

Town of Kent

drinking water standards and to enhance District infrastructure, all as further described in said map. plan and report dated July 11, 2023, and any ancillary or related work required in connection therewith (the "Project"). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, will not exceed \$845,000. The plan of financing includes the issuance of not to exceed \$845,000 bonds of the Town to finance said appropriation. and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said improvements. so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable. Any funds received from grants and/or other sources are hereby authorized to be applied toward the cost of said project or redemption of the Town's bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes. All or part of the cost of the project may be financed through Town bonds, the New York State Environmental Facilities Corporation (EFC) State Revolving Fund (SRF), one or more Water Infrastructure Improvement Act (WIIA) grants, and/or any other grant funds received by the Town and any such grant funds received are authorized to be used to pay a part of the cost of such project, or to pay debt service related thereto.

Section 2. Bonds of the Town in the principal amount of not to exceed \$845,000 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 (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

- (a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.
- (b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.
- (c) The proposed maturity of the serial bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds shall be general obligations of the Town, payable as to both principal and interest by a 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 issued 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 relative 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 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 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 resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, 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, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

\* \* \*

The adoption of the foregoing Resolution and Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Jaime McGlasson	voting aye
Councilperson Chris Ruthven	voting aye
Councilperson Jorma Tompuri	voting not present
Councilperson Anne Campbell	voting aye
Councilperson Shaun Boyd	voting aye

The Resolution and Order were declared adopted.

At a meeting of the Town Board of the Town of Kent, in the County of Putnam, New York, held at the Town Hall, 25 Sybil's Crossing, Kent, New York, on the 1st day of August, 2023.

#### PRESENT:

Jaime McGlasson, Supervisor Chris Ruthven, Deputy Supervisor/Councilperson Jorma Tompuri, Councilperson Anne Campbell, Councilperson Shaun Boyd, Councilperson

#251

In the Matter

of the

Increase and Improvement of Facilities of Water District No. 2 in the Town of Kent, in the County of Putnam, New York, pursuant to Section 202-b of the Town Law

Offered by: Councilman Ruthven

Seconded by: Councilwoman Campbell

### RESOLUTION AND ORDER AFTER PUBLIC HEARING

WHEREAS, the Town Board of the Town of Kent (herein called the "Town"), in the County of Putnam, New York, on behalf of District No. 2 (herein called the "District") has heretofore adopted a resolution authorizing the increase and improvement of facilities of Water District No. 2, consisting of water distribution and treatment system upgrades and improvements to address water quality and system resiliency, new drinking water standards and to enhance District infrastructure, all as further described in said map, plan and report dated July 11, 2023, and any ancillary or related work required in connection therewith, at the estimated maximum cost of \$1,639,000; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of such facilities, specifying the estimated maximum cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on July 25, 2023 at the Town Hall, 25 Sybil's Crossing, Kent, New York; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on July 25, 2023 and continued to the date hereof at the Town Hall. 25 Sybil's Crossing, Kent, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities;

Now, therefore, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated maximum cost of \$1.639,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that Barton & Loguidice, D.P.C., engineers duly licensed by the State of New York (the "Engineer") shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of

facilities shall be financed by the issuance of not to exceed \$1.639,000 bonds of the Town, the costs

of said increase and improvement of facilities, including payment of principal of and interest on

said bonds, shall be paid by the assessment, levy and collection of assessments upon the several

lots and parcels of land within the District which the Town Board shall deem especially benefited

by said improvements, so much upon and from each as shall be in just proportion to the amount of

benefit which the improvement shall confer upon the same, to pay the principal of and interest on

said bonds as the same shall become due and payable; and it is hereby

FURTHER ORDERED, all or part of the cost of the project may be financed through

Town bonds, the New York State Environmental Facilities Corporation (EFC) State Revolving

Fund (SRF), one or more Water Infrastructure Improvement Act (WIIA) grants, and/or any other

grant funds received by the Town and any such grant funds received are authorized to be used to

pay a part of the cost of such project, or to pay debt service related thereto; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a

certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Putnam

County within ten (10) days after adoption thereof.

DATED: August 1, 2023

(SEAL)

TOWN BOARD OF THE TOWN OF

KENT

The adoption of the foregoing Resolution and Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Jaime McGlasson	voting aye
Councilperson Chris Ruthven	voting aye
Councilperson Jorma Tompuri	voting not presen
Councilperson Anne Campbell	voting aye
Councilperson Shaun Boyd	voting aye

The Resolution and Order were declared adopted.

#### **CERTIFICATE**

I, YOLANDA CAPPELLI. Town Clerk of the Town of Kent, in the County of Putnam, State of New York, HEREBY CERTIFY that the foregoing annexed resolution of the Town Board of said Town adopted at a meeting duly called and held on August 1, 2023, has been compared by me with the original resolution as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Kent this day of August, 2023.

(SEAL)

olanda Cappelli Town Clerk

#252

BOND RESOLUTION OF THE TOWN OF KENT, NEW YORK, ADOPTED AUGUST 1, 2023, APPROPRIATING \$1.639,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF DISTRICT NO. 2. AND AUTHORIZING THE ISSUANCE OF \$1,639,000 BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

Offered by:

Councilman Ruthven

Seconded By:

Councilwoman Campbell

#### Recitals

WHEREAS, following preparation of a map, plan and report by Barton & Loguidice, D.P.C., engineers duly licensed by the State of New York (the "Engineer") and an estimate of cost for the increase and improvement of facilities of District No. 2 (the "District"), in the Town of Kent (the "Town"), in the County of Putnam, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

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

Section 1. The Town Board hereby appropriates the amount of \$1,639,000, for the increase and improvement of facilities of Water District No. 2, consisting of water distribution and treatment system upgrades and improvements to address water quality and system resiliency, new

drinking water standards and to enhance District infrastructure, all as further described in said map, plan and report dated July 11, 2023, and any ancillary or related work required in connection therewith (the "Project"). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, will not exceed \$1,639,000. The plan of financing includes the issuance of not to exceed \$1,639,000 bonds of the Town to finance said appropriation, and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said improvements, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable. Any funds received from grants and/or other sources are hereby authorized to be applied toward the cost of said project or redemption of the Town's bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes. All or part of the cost of the project may be financed through Town bonds, the New York State Environmental Facilities Corporation (EFC) State Revolving Fund (SRF), one or more Water Infrastructure Improvement Act (WIIA) grants, and/or any other grant funds received by the Town and any such grant funds received are authorized to be used to pay a part of the cost of such project, or to pay debt service related thereto.

Section 2. Bonds of the Town in the principal amount of not to exceed \$1,639,000 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 (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

- (a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.
- (b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.
- (c) The proposed maturity of the serial bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds shall be general obligations of the Town, payable as to both principal and interest by a 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 issued 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 relative 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 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 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 resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, 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, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

\* \* \*

The adoption of the foregoing Resolution and Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Jaime McGlasson	voting aye
Councilperson Chris Ruthven	voting aye
Councilperson Jorma Tompuri	voting not presen
Councilperson Anne Campbell	voting aye
Councilperson Shaun Boyd	voting aye

The Resolution and Order were declared adopted.

#### CERTIFICATE

I. YOLANDA CAPPELLI, Town Clerk of the Town of Kent, in the County of Putnam, State of New York, HEREBY CERTIFY that the foregoing annexed resolution of the Town Board of said Town adopted at a meeting duly called and held on August 1, 2023, has been compared by me with the original resolution as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said resolution.

IN WITNESS WHEREOF. I have hereunto set my hand and affixed the corporate seal of said Town this \_\_\_\_\_ day of August, 2023.

(SEAL)

Yolanda Cappelli, Town Clerk

Town of Kent

Resolution #249 - Increase & Improvement of Facilities of Water District No. 1 in the Town of Kent, in the County of Putnam, NY, pursuant to Section 202-b of the Town Law (see attached)

Resolution #250 - Bond Resolution of the Town of Kent, NY, Adopted August 1, 2023, Appropriating \$845,000 for the Increase & Improvement of Facilities of District No.! And Authorizing the Issuance of \$845,000 Bonds of Said Town to Finance Said Appropriation (see attached)

Resolution #251 - Increase & Improvement of Facilities of Water District No. 2 in the Town of Kent, in the County of Putnam, NY, pursuant to Section 202-b of the Town Law (see attached)

Resolution #252 - Bond Resolution of the Town of Kent, NY Adopted August 1, 2023. Appropriating \$1,639,000 for the Increase & Improvement of Facilities of District No. 2 and Authorizing the Issuance of \$1,639,000 Bonds of Said Town to Finance Said Appropriation (see attached)

#### Resolution #253 - Authorization to Offer Vehicle for Sale through Auctions International, Inc.

On a motion by Councilman Ruthven Seconded by Councilwoman Campbell

WHEREAS, by email dated July 31, 2023, Richard Othmer, Highway Superintendent of the Town of Kent, has requested to dispose of: Highway Department Truck #20, which is a 2006 Stirling Ford Sweeper, Plate Number AE3555, VIN #49HAADBVX6DV02242; and

WHEREAS, the Town Board wishes to authorize the Highway Department to use the services of Auctions International to offer the vehicle for sale to third parties or, if there are no purchasers, to scrap the vehicle in exchange for its metal value.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent authorizes the Highway Department to offer the vehicle for sale through Auctions International; and

**BE IT FURTHER RESOLVED**, that if the offer of sale through Auctions International results in no sale of the vehicle, the Highway Department is authorized to scrap the vehicle for its metal value.

Motion carried unanimously

#### Resolution #254 - Updating Paper Road List

On a motion by Councilwoman Campbell Seconded by Councilman Ruthven

**WHEREAS**, the Town Highway Superintendent, Richard T. Othmer Jr., has recommended the inclusion of the following road on the paper roads list:

Denning Road: 0.05 miles X 16' wide between Grasslands & Brayton Roads; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the recommendations regarding the inclusion of Denning Road on the paper roads list; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Town Board of the Town of Kent hereby authorizes the addition of Denning Road to the paper roads list;

Motion carried unanimously

## Resolution #255 - Accepting Proposal for Generator Maintenance Services

On a motion by Councilman Boyd Seconded by Councilman Ruthven

WHEREAS, the Town Board of the Town of Kent wishes to contract for generator maintenance services for a 130kW Generac Generator Sn 20744365; and

WHEREAS, in accordance with the Town's Procurement Policy, the Town sought proposals for generator maintenance services, and received one written proposal in response to such request, copies of which are annexed hereto and incorporated herein by reference; and

WHEREAS, GenServe has submitted the lowest proposal dated July 5, 2023, in the amount of \$3,759.35, and the Town Board of the Town of Kent wishes to accept the proposal submitted by GenServe.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby approves the proposal for generator maintenance services with GenServe for the Generac Generator in the amount of \$3,759.35; 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 #256 - Authorizing Purchase of Scag Tiger Cat II Mower

On a motion by Councilman Ruthven Seconded by Councilwoman Campbell

WHEREAS, the Town Board of the Town of Kent received a request dated July 27, 2023 from the Town of Kent Parks Department requesting authorization to the purchase a Scag Tiger Cat II Rider Mower (the "Mower"); and

WHEREAS, the Town Board recognizes there is a need for such equipment and wishes to authorize the Town of Kent Parks Department to purchase the Mower; and

WHEREAS, the Town's Procurement Policy exempts purchase contracts made under certain other contracts pursuant to the General Municipal Law, and Section 103 of the General Municipal Law authorizes the Town to purchase equipment or apparatus through contracts let by the State of New York; and

WHEREAS, the Town of Kent Parks Department desires to purchase a Scag Tiger Cat II Mower through a New York State contract in the amount of \$9,950.00; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes and approves the purchase of a Scag Tiger Cat II Rider Mower not to exceed the amount of \$9,950.00; 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 #257 - Approval of Vouchers and Claims

On a motion by Councilman Ruthven

Seconded by Councilwoman Campbell

Resolved: All Vouchers #200168573 - #200168698 and claims submitted by:

#### **AUGUST 1, 2023**

1.	Arciero McMillan & Burgess, PC	\$2,964.00	Legal Services: ZBA
2.	Brady's Power Equipment	\$3,234.19	Scag Mower Repair: LCPD
3.	Cassidy Plumbing & Heating	\$2,579.00	Water Heater: Town Hall
4.	Custom Bandag	\$3,984.44	Tires
5.	Global Montello Group	\$5,329.40	Gas
6.	Haun Welding	\$8,571.50	Highway Welder
7.	Jimmy Trees Inc.	\$2,100.00	Tree Removal: LCPD
8.	Kect Construction	\$828,531.96	Milling and Paving
9.	Mazzotta Catering	\$2,275.00	Lake Carmel Summer Festival
10.	Millennium Strategies	\$3,000.00	Grant Services
11.	Peckham Industries	\$14,545.95	Blacktop
12.	Roemer Wallens Gold & Mineaux LLP	\$2,112.00	Legal Services

#### **Additional Notes:**

\*\* THIS WORK IS QUOTED TO BE DONE DURING A WEEKDAY.

\*\*TECHNICIAN LABOR INCLUDES SHOP PREPERATIONS. ACCESS TO GENERATOR SITE. TIME AT SITE, CLEANUP AND RETURN EQUIPMENT AND MATERIALS TO SERVICE VEHICLE.

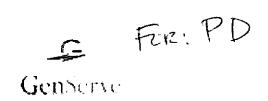
Payment Terms: NET 30

Subtotal: \$3,759.35

Tax: \$0.00

Total: \$3,759.35

Customer PO#:	Signature:	Date:	
TARREST TO COMMENT OF THE COMMENT	Power when you need it is GenServe's promise. GenServe is your sir power back-up needs. GenServe has been providing superior indust service for two decades and has grown to be the largest company in than 100 trucks on the road, on average our expert technicians can ge	rial generator sales and	•



Remit Payment Address Genserve LLC P.O. Box 23974 New York, NY 10087-3974 Branch Office 10 New Maple Avenue Suite 305 Pinebrook, NJ 07058 US

#### **Sales Quotation**

Customer Information Town Of Kent 25 Sybil's Crossing Kent Lakes, New York 10512 Prepared By Steven Andiorio (973) 614-0091 sandiorio@genserveinc.com Q-16828 Quote Generated On: 7/5/2023 Expires On: 8/4/2023

**Contact Information** 

Technician Anthony McCarthy

ATT: JAMIE GLEASON

Generator- Generac 130KW Sn 2074365

During the recent inspection, our technician determined the following repairs, due to age, condition, and/or failure, are required to maintain generator performance and reliability.

- 1. Drain all engine coolant.
- 2. Replace engine thermostats and related gaskets.
- 3. Replace upper and lower radiator hoses.
- 4. Replace engine block heater hoses due to restriction.
- 5. Install all new engine coolant.
- 6. Replace battery cables and terminal ends due to condition.
- 7. Clean radiator core fins due to debris blocking air flow.

Following the repair, the unit will be inspected for repair integrity and unit operation.

Description	Quantity	Net Unit Price	Net Total
ENGINE THERMOSTATS AND GASKET KIT	1.00	\$228.49	\$228.49
FAN/ALTERNATOR BELT SET	1.00	\$114.07	\$114.07
UPPER RADIATOR HOSE	1.00	\$114.50	\$114.50
LOWER RADIATOR HOSE	1.00	\$159.39	\$159,39
HEATER HOSE	6.00	\$15.81	\$94.86
COOLANT HOSE	6.00	\$26.02	\$156.12
ENGINE COOLANT/GLN	10.00	\$26.40	\$264.00
2/0 BATTERY CABLE	6 00	\$17.53	\$105 18
20/ BATTERY CABLE RED	6.00	\$17.53	\$105.18
EYLET TERMINAL CABLE ENDS	4.00	\$17.64	\$70.56
SHIPPING	1.00	\$76.00	\$76.00
SHOP SUPPLIES	1.00	\$126.00	\$126.00
TECHNICIAN LABOR	8 00	\$210.00	\$1,680.00
TECHNICIAN OT LABOR	7 00	\$315.00	\$315.00
TECHNICIAN TRAVEL	1.00	\$150.00	\$150.00

**Additional Notes:** 

\*\* THIS WORK IS QUOTED TO BE DONE
DURING A WEEKDAY.

\*\*TECHNICIAN LABOR INCLUDES SHOP
PREPERATIONS, ACCESS TO GENERATOR SITE.
TIME AT SITE, CLEANUP AND RETURN EQUIPMENT
AND MATERIALS TO SERVICE VEHICLE.

Payment Terms: NET 30

Subtotal: \$3,759.35

Tax: \$0.00

Total: \$3,759.35

Customer PO#:	Signature:	1	Date	:
. 0	 -		. 47-0	

Power when you need it is GenServe's promise. GenServe is your single solution to all of your power back-up needs. GenServe has been providing superior industrial generator sales and service for two decades and has grown to be the largest company in the metro area. With more than 100 trucks on the road, on average our expert technicians can get to you within two hours.

#### **TOWN BOARD MEETING AUGUST 1, 2023**

13. State Comptroller	\$39,417.00	Justice Court: Fines & Fees
14. Systems Development Group	\$2,400.00	Image Mate Support 23/24
	\$2,400.00	Image Mate Support 22/23
15. Town of Kent Municipal Repairs	\$4,774.77	Chargebacks: Sanitation
	\$71,482.52	Chargebacks: Highway
16. Westhook Sand & Gravel	\$11,328.25	Crushed Item 4
17. Win Waste	\$8,896.37	Lake Carmel Garbage
18. Barney	\$5,020	Tree Removal

In the amount of \$1,042,395.33 may be paid. Motion carried unanimously

#### **Announcements**

- Saturday, Oct. 7, 2023 the Caitlin Rose Savio Foundation Day at Camp Kiwi, Noon 5:00 \$10.00 per car allows access to tennis, mini golf and more.
  - Thank you to the Kent CAC and the Highway department for their participation at the Putnam County Country Fair.
  - Kent Library is having the Hudson Valley Band Saturday August 12 th at 11:30
  - Kent Library is having an opportunity to read and act some works with Mirah Kravitz, for 18 and older Tuesday August 15<sup>th</sup> at 5:00
  - The Library has a reading buddies program on Tuesdays at 3:00, Teens reading to children pre  $K-3^{rd}$  grade.
  - Kent Library is having Ukulele instructions on 8/14 at 5:00 p.m.
  - The Draft of the Natural Resource Inventory is on the Town's website for your reading pleasure and ready for feedback.
  - Councilman Boyd was speaking with Congressman Lawler and the funds for the Lake Carmel Dam has been included in a recent bill. He hopes it will be passed.

#### **Public Comment**

Sue Kotzur asked about the electronic e-waste. Supervisor McGlasson said they are working on the logistics and should be implemented by September. Sue asked about E cigarettes and vaping apparatus to be located at the police department. Chief Owens replied there is one there.

Joy Bagetta spoke about the health and infrastructure of elections and election voter rolls. She said she is reaching out to our elected officials and civil servants to be our voice. She urged the board to sign a resolution to audit the 2022 General Election brought forth by the NY Citizens Audit. She understands they are in receipt of the study, hopes they have read them. She said the report finds unqualified voters are voting. She urged the board to sign the resolution.

Respectfully submitted,

Yolanda D. Cappelli

Town Clerk

Town Board Meeting – Executive Session August 1, 2023

#### Resolution #258

On a motion from Councilwoman Campbell, seconded by Councilman Ruthven and unanimously approved, the Board adjourned to Executive Session to discuss a pending litigation, formation of contracts and personnel issues. Present were Supervisor McGlasson, Councilman Ruthven, Councilwoman Campbell, Councilman Boyd and Town Attorney Nancy Tagliafierro. Councilman Tompuri was absent.

Resolution #259

On a motion from Councilman Ruthven seconded by Councilwoman Campbell, and unanimously approved, the Board authorized John Andrews and Bruce Barber to attend a meeting with Insite Engineering to discuss how to bring a property which is the subject of a litigation into compliance.

#### Resolution #260

On a motion from Supervisor McGlasson, seconded by Councilman Ruthven, and unanimously approved, the Board authorized the hiring of Hera Registry, subject to review of the proposed contractual agreement by the Town Attorney, to take over the work previously performed by the now defunct company ProChamps.

## Resolution #261

On a motion from Councilman Ruthven, seconded by Councilwoman Ruthven, and unanimously approved, the Board authorized the Town Clerk to advertise for the position of part time floating clerk.

#### Resolution #262

The meeting was adjourned at 8:42 p.m. on motion of Councilman Ruthven, seconded by Councilwoman Campbell, and unanimously approved.

Respectfully submitted,

Nancy Tagliafierro