

TOWN BOARD MEETING MARCH 19, 2019

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

PLEDGE OF ALLEGIANCE

Supervisor Fleming called the Workshop Meeting to order with the Salute to the Flag.

WORKSHOP MEETING

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

PUBLIC COMMENT

Bill Nulk, Kent resident and Vice President of the Carmel Kent Chamber of Commerce said the board of the Chamber is concerned about the upcoming bond referendum for the transportation facility not the other part. The property being considered is well prepared in the allowable commercial district if the bond goes forward that land currently assessed as vacant would be removed from the tax base that currently funds approximately \$100,000 in community services, 80% which goes to the school district. He said the loss is probably double or more when reassessed with appropriate and viable commercial development. That development would probably avoid the environmental conflicts arising from some of the proposed activities at the transportation facility like a bus wash. They hope when the uncertainty tying up this property clears reasonable parties will see the opportunities for commercial growth along Route 52 with its easy access to Route 84, he asked all, to please think about this when you go to vote on March 26. Councilman Huestis clarified that this is the fourth attempt on that strip for a transportation facility referendum.

Kathy Doherty asked the board if payment had been made on the Sewer District lawsuit and why a resolution was not made. Town Counsel Tagliafiero replied yes, a resolution was not given, money was taken to satisfy a judgement. Mrs. Doherty said we talk about business along Route 52, this lawsuit has cost those in the sewer district \$447,000, the original bill was \$326,000 and understands in 2014 the Town Attorney said to pay it, a lawsuit was filed, an appeal was filed that was lost; from 2014 – 2019 it cost the district \$121,000 in interest. She asked when considering not paying Merritt did anyone go back to the City for additional funding. Supervisor Fleming said DEP denied it was ever \$3.1 million dollars; they negotiated for months stating it was always the balance after the Frangel was taken out. Mrs. Doherty was concerned the judgment had to be garnished from the Sheriff's Department rather than paid by a resolution. She questioned the procedure, was it done to show taxes didn't go up in the district and thought it irresponsible as the Chief Fiscal Officer. Councilman Denbaum said it's a post judgement procedure. He said the sewer district left to the town board was a major financial headache. He said the \$100,000 as a whole paid for the district compared to Brad the printer who had a brand new septic system installed a few years prior, once the Sewer District came into law it forced him to fill in his \$30,000 - \$40,000 system and cost him an additional \$10,000 to hook up one parcel cost upwards of \$50,000 to \$60,000. Kathy Doherty reminded all the Sewer District was part of the Master Plan for the business district. Supervisor Fleming said in regard to counsel involved with the original contract it states they were responsible for boring, putting in the pipe we then have change orders for additional drilling that was not part of the contract. Merritt signed a contract that was far below what others came in. Mrs. Doherty said the case was lost and should not have been appealed. Supervisor Fleming explained it wasn't lost on merits but lost because counsel did not provide the proper affidavit with the answer. She said the district didn't bring in the anticipated boom; this board is trying to bring economic development to the town. Kathy Doherty said it was needed it was never claimed to be a boon, she added when you were running for County Executive you said other locations needed a sewer district for business. Councilman Denbaum believes it was a bad decision because it's costly with too few parcels in a district that big, it was never going to work. Everyone likes grants as soon as NY State gives grant money it doesn't solve the problem it creates 20 more. The 3 million dollars thrown in was a result from Kent Manor litigation where the Town Board made a decision that ended up in a judgement that started this whole process.

John Curzio addressed the Town board he is a trustee on the Carmel School Board. He gave a statement that is his personal opinion. On March 26, 2019 residents of the Carmel School District will be going to the polls for the third time on a bond referendum for a transportation facility on this particular piece of property that has twice been soundly defeated by the voters. This is to a previous one that also was defeated, that makes this the fourth referendum. This bond calls for multiple millions of dollars for new taxing and spending which will ultimately lead to higher taxes on the already over taxed and overburdened residents of this school district. It will be on top of and in addition to the tax increase that the Carmel School board will certainly impose upon the tax payer in May 2019 Budget vote. The

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multimillion dollar cost of the land purchase removes prime Industrial property from the tax roll's which will shrink our tax base stifle the business community and when totaled will prove to be a substantial tax increase on our residents. This is the sixth proposed tax increase by the Carmel school board in just a little over one year's time, six. This is unsustainable especially for our hard pressed senior citizens on fixed incomes. The Carmel school boards persistence on this bus bond is highly suspect. After being defeated three times by the voters why a fourth referendum? Residents of the Carmel School District, Town of Kent Residents please come out on Tuesday March 26, 2019 and make your voices be heard, by voting no on proposition B. Residents of Kent can vote at Kent Elementary School anytime from 6:00AM to 9:00PM. Thank you very much.

Councilman Denbaum agrees with John Curzio and states in the Press Newspaper it shows a 2.4 Million Dollar Budget Gap. According to the Superintendent who is paid very nicely to create the budget, It should be out in May will be 129.7 million dollars for our school district which is a 4.1 Million Dollar increase just an increase at 3.3%. I would gather most tax payers in the Town of Kent do not get a 3.3% increase raise every year at work. You will be paying more out of your household income for regular operations. Then they want to put on this giant project which is going to be bonded and going to raise taxes incrementally. There is no talk about maintenance, the electric and all that is needed to run a facility. The Carmel School Superintendent can't even get his books in order for the facilities they have now. They can't even keep them on a reasonable 1 to 2% increase. Their increase is going to be 3.3% without this bond put into place. The tax rates will be for every \$1,000 assessment will be almost \$27.00 you will pay, it is bankrupting families. He states because they say it is for the Children we should pay this but the children will not be able to live here because they will be taxed out of existence and they will move to more affordable cities because Putnam County would be unaffordable. He hopes as a community we will vote down the bond again.

Dorian D'Ausilio states the school seems to have a problem and the monies are grossly mismanaged. She asked can we get an auditor we to call them on their behavior? Can't we do anything pro-actively instead of have them bring up the same vote over and over until they get a yes. Supervisor Fleming said on any issue there are two sides, there are Face book pages of those opposing this bond as not caring about the children and she thinks that is really unfair. There are two ways of looking at it. John Curzio, they tried to sensor him for speaking out against something last year because he disagreed with the rest of the board. We are allowed to have different points of view. She believes you should listen to the other point of view and form your opinion and. Mrs. D'Ausilio feels there is wasted money. Supervisor Fleming has never voted against the budget and believes in Democracy and when you put something up for a vote and it gets voted down you don't keep putting it up until you wear people down, or demonize people for their point of view. Our concern is the residents of the Town. Mrs. D'Ausilio asked is there a limit to how many times you can bring up a vote or can they just keep on going. There should be a three time limit, can we vote on that?

Sue Kotzur, Kent Cliffs, Kent Recycling. She asked if she could obtain some legal paperwork that the deal with John Clancy is dead that all goes back to the original contract with the County for that land and the easement is not going thru for any other purpose. Supervisor Fleming replied she doesn't think we need that because it was specific to Clancy. Mrs. Kotzur said the land swap is back the way it was like it never happened. Supervisor Fleming replied yes.

Councilman Denbaum said there was nothing ever recorded I don't believe. Mrs. Kotzur asked about the Special Counsel that was hired they charged like \$15,000.00 for this do you get anything back for? Is that something that we absorb from the Town? Councilman Denbaum replied it is absorbed in a sense that we had to pay for the attorney for the town land and their involvement in the process. If the town wants to exchange Real Properties the attorney has to negotiate that exchange they have to pay for that whether the deal falls thru or not, they get paid at an hourly rate. Supervisor Fleming stated there is another person she spoke to though it is too early in its stage that may be interested in buying the property. Then we would not have to do the legal work again because it was already done.

THE TOWN BOARD MEETING WAS CALLED TO ORDER WITH ROLL CALL

Supervisor Maureen Fleming – present	Councilman Paul Denbaum – present
Councilwoman Jaime McGlasson – present	Councilman Bill Huestis – present
Councilman Chris Ruthven – present	

Also Present: Town Clerk Yolanda Cappelli, Highway Superintendent Rich Othmer, Town Counsel Nancy Tagliafiero, Co- Chair of Recycling Sue Kotzur and board member Janet Barnard, LCPDAB member Bob Ulich, Lake Tibet Chairperson Dorian D'Ausilio and board member Vivian Gafarotti, CAC member Anne Campbell and several members of the public.

Resolution #150 - Authorization to Offer Police Vehicle for Sale at Auction

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On a motion by Councilman Denbaum
Seconded by Councilwoman McGlasson

WHEREAS, by letter dated January 12, 2019, the Town of Kent Municipal Repair Service Manager has advised that the Police Ambulance, a 1995 Ford F350 VIN 1FDKE30F55HB48869 (the "Vehicle") has reached the end of its service life; and

WHEREAS, the Municipal Repair Service Manager has recommended the Vehicle be offered for sale at auction; and

WHEREAS, the Town Board wishes to authorize Municipal Repairs to offer the Vehicle for sale to third parties at auction;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent, authorizes Municipal Repairs to offer the Vehicle identified hereinabove for sale to third parties at auction.
Motion carried unanimously

Resolution #151 - Appoint Member Lake Tibet Advisory Board

On a motion by Councilman Denbaum
Seconded by Councilwoman McGlasson

WHEREAS, the Lake Tibet Advisory Board currently has a vacancy, and Daphne Reynolds has submitted an application seeking to fill said vacancy; and

WHEREAS, the Town Board of the Town of Kent wishes to appoint Daphne Reynolds to fill the vacancy on the Lake Tibet Advisory Board;

NOW, THEREFORE, BE IT RESOLVED, that Daphne Reynolds be appointed for a term of 5 years, for a term to commence immediately and terminating on December 31, 2024.
Motion carried unanimously

Resolution #152 - Authorizing Purchase of Two Electronic/Solar Digital Signs for Highway Department

On a motion by Councilman Denbaum
Seconded by Councilman Ruthven

WHEREAS, the Town Board of the Town of Kent has received a request dated March 6, 2019 from the Town Highway Superintendent, Richard Othmer, to purchase two electronic/solar digital road signs (the "Signs"), a copy of which request is annexed hereto and incorporated herein by reference; 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

WHEREAS, the Town Board has determined that there is a need to purchase the Signs; and wishes to authorize the Highway Department to purchase the Signs through a contract awarded by the County of Rockland to Traffic Lane Closures, LLC pursuant to Contract #RFB-RC-2018-113.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes and approves the purchase of the Signs from Traffic Lane Closures, LLC pursuant to the contract awarded by the County of Rockland at a cost not to exceed \$13,835; 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 #153 - Adoption of Negative Declaration – Construction of Material Storage Bins and a Salt Storage Shed at Smokey Hollow Highway Garage

On a motion by Councilwoman McGlasson
Seconded by Councilman Huestis

WHEREAS, the Town Board of the Town of Kent has reviewed the Short Form Environmental Assessment Form prepared by Insite Engineering, Surveying & Landscape Architecture P.C. in connection with construction of material storage bins and a salt storage shed at Smokey Hollow Highway Garage; and

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WHEREAS, the Town Board of the Town of Kent has made the following finding of fact;

1. The action will not result in the creation of a hazard to human health;
2. The action will not result in a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;
3. The action will not result in the encouraging or altering of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such places absent the action;
4. The Action will not result in the creation of a material demand for other actions that would result in one of the above consequences
5. The action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together, results in a substantial adverse impact on the environment; and
6. The action will not result in two or more related actions undertaken or funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in the Environmental Quality Review Act.

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Kent hereby grants a negative declaration and notice of determining non-significance in the construction of the material storage bins and a salt storage shed at Smokey Hollow Highway Garage.
Motion carried unanimously

Resolution #154 - Approve SEQRA for 301 Highway Garage

On a motion by Supervisor Fleming

Seconded by Councilman Ruthven

Resolved: The Short Environmental Assessment Form was approved as prepared by Insite Engineering, to be signed by Highway Superintendent Richard Othmer and attached here to.

Motion carried unanimously

Resolution #155 - Introducing Local Law # ___/2019 & Providing for Public Notice & Hearing

On a motion Councilwoman McGlasson

Seconded by Councilman Ruthven

BE IT RESOLVED that an amendment to Kent Town Code Chapter 57 entitled "Roads and Roadways", is hereby introduced by Councilwoman McGlasson, as Introductory Local Law #___ of the year 2019 before the Town Board of the Town of Kent in the County of Putnam and State of New York, and

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Amendment, which is attached hereto, be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED, that the Town Board will hold a public hearing on said proposed Amendment at the Town Hall, in the Town of Kent, New York at 7:00 o'clock P.M. on April 23, 2019, and

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

Upon Roll Call Vote:

Councilman Denbaum – aye Councilwoman McGlasson – aye

Councilman Huestis – aye Councilwoman Ruthven – aye

Supervisor Fleming - abstained

TOWN OF KENT
AMENDMENT TO
CHAPTER 14
OF THE KENT TOWN CODE

BE IT ENACTED by the Town Board of the Town of Kent, Putnam County, New York, as

follows:

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Section 1. A new Article IV entitled "Ancient Subdivisions" shall be added to Chapter 57

regarding "Roads and Roadways" to read as follows:

§57-31. Purpose and Authority.

- A. Municipal Home Rule Law§10(1) (12) authorizes the Town Board to adopt local laws for the protection, order, conduct, safety, health and well-being of persons or property within the Town of Kent. In furtherance of such goals, all roadways in the Town of Kent should be maintained at all times in the best interests of the health, safety and general welfare of its residents and others who travel along the roads within the Town of Kent, including roads which have been dedicated to the Town as well as certain private roads which have not been dedicated because they cannot be accepted by the Town as they do not comply with current minimum road standards.
- B. Town Highway Vehicles regularly traverse private roads, commercial and public connector roads and parking lots in order to expedite plowing efficiency, and this established practice benefits all Town residents.
- C. There are three subdivisions within the Town of Kent that were created prior to the advent of the Town Zoning Board of Appeals, the Town Planning Board and all zoning laws, including the Town zoning ordinance, and were therefore not subject to modern zoning laws and as a result, the roads within these subdivisions were constructed to widths which are below minimum acceptable standards for traffic. Therefore, the Town of Kent cannot accept these roads as "Highway by Use" because of the substandard condition of the existing roads.
- D. Private contractors have been unable or unwilling to maintain these roads so that they are accessible and passable during all times, particularly emergency situations and inclement weather, and the Chief of Police, the Kent Fire Department, the Lake Carmel Fire Department and the Department of Environmental Conservation all require the roads in these three subdivisions; namely White Pond Colony, Sedgewood Club and Hill & Dale County Club (the "Ancient Subdivisions") be accessible at all times for emergency situations.
- E. The Town of Kent adopted an Ancient Roads policy on March 7, 2018, authorizing the Town Highway Department to maintain and repair certain private roads.

§57-32. Agreement.

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

- 1. Remove fallen trees from the roadways.
- 2. Patch potholes on an emergency basis.
- 3. Plow and sand roads during inclement weather.
- 4. Perform such other services as necessary to maintain the roads in the ancient subdivisions so that emergency services and school buses have access to those roads at all times, the cost of materials to be reimbursed.

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

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

Section 2. This local law shall take effect immediately.

Resolution #156 - Approve Putnam County Real Property Tax Service Contract for Calendar Year 2019

On a motion by Councilman Ruthven

Seconded by Councilman Huestis

WHEREAS, the Town of Kent has received from the Director of Real Property Tax Services of the County of Putnam an agreement entitled "Putnam County Real Property Tax Service Contract" in the form annexed hereto (the "Contract") whereby the County proposes to provide real property tax-related

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services to the Town for the 2019 calendar year as described in the Contract, a full and complete copy of which is annexed hereto and hereby made a part hereof; and

WHEREAS, the Town Board of the Town of Kent has determined that the Contract is in the best interests of the Town and desires to enter into the Contract;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves the Contract with the County of Putnam in the form annexed hereto; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to execute the Contract in the form annexed hereto.
Motion carried unanimously

Resolution #157 - Increase Hours of Crew Chief for Recreation & Parks Department

On a motion by Councilman Ruthven
Seconded by Supervisor Fleming

WHEREAS, Christopher Kehoe is currently employed by the Town of Kent as a Full Time Crew Chief for the Recreation and Parks Department; and

WHEREAS, the Kent Town Board wishes to increase Mr. Kehoe’s weekly hours by ½ hour per day for a total of 2 ½ hours of overtime, to be paid at the rate of time and one-half per week;

NOW, THEREFORE, BE IT RESOLVED, that Mr. Kehoe’s hours are hereby adjusted to include an additional ½ hour per day and 2 ½ hours of overtime time paid at time and one-half per week. **This time is exempt from any overtime caps under the Teamster Local 456.*

Councilman Huestis said there was always a max of overtime for the Recreation & Parks Dept. he asked if this is waived in any way, he thought it was 30 hours per employee, is that still happening because of budgetary purposes. He said for the public’s information, he is a crew chief, the other crew chiefs have this and for some reason he was not receiving this. Supervisor Fleming asked if you want it added to the resolution. The board agreed. See *
A motion carried unanimously

Correspondence

Resolution #158 - Vouchers & Claims

On a motion by Councilman Huestis
Seconded by Supervisor Fleming
Resolved: All vouchers #200149897 - #200150038 and claims submitted by:

1. Cemco Water	\$2,618.25	WD#2 Monthly operations/Repair
	\$2,455.80	WD#1 Monthly operations/Repair
2. City Carting	\$5,690.34	Lake Carmel Garbage
	\$5,364.71	
3. Custom Bandag, Inc.	\$3,236.63	Tires
4. Hogan & Rossi	\$3,856.41	Out of Retainer: February
5. Morton Salt	\$9,299.56	Salt
	\$12,322.25	
	\$28,847.59	
6. NYCOMCO	\$2,671.00	2-Way Radio: Police Dept.
7. NYS Dept of Civil Service	\$210,446.00	Health Insurance: March
8. Royal Carting	\$3,629.85	Recycling Garbage
9. Town of Kent Municipal Repairs	\$19,658.62	Chargebacks: Highway
10. Transaxle, LLC	\$2,622.88	Clutch
11. Windstream	\$3,886.76	Telephone Service

In the amount of \$383,164.43 may be paid.
Motion carried unanimously

Resolution #159 - Adjournment

On a motion by Councilman Huestis
Seconded by Supervisor Fleming
Resolved: The Town Board meeting of March 19, 2019 adjourned at 9:07p.m.

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Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli
Town Clerk