

## TOWN BOARD MEETING OF OCTOBER 22, 2019

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

### **RESOLUTION #369 - ADJOURN TO EXECUTIVE SESSION**

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

Resolved: The town board adjourned to executive session at 6:08 p.m. to discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation

Motion carried unanimously

### **RESOLUTION #370 - ADJOURN EXECUTIVE SESSION**

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

Resolved: The town board adjourned executive session at 7:15 p.m. no votes were taken.

Motion carried unanimously

### **Pledge of Allegiance**

At 7:00 p.m. the workshop meeting was opened with the Salute to the Flag.

### **Announcement**

Supervisor Fleming said many in the room are opposed to the truck stop portion of the Route 52 Project. She said after hearing what the public had to say she spoke to a member of the developer's team about the concerns. She said this afternoon she was advised the truck stop portion of the Route 52 Project has been removed and there will be a public statement released by the developers.

### **PUBLIC HEARING**

#### **RESOLUTION #371 - OPEN HEARING ON AN AMENDMENT TO THE Ch 77, Article VII – Permitted Uses in IOC Zone**

On a motion by Councilman Huestis

Seconded by Councilman Denbaum

Supervisor Fleming said the public hearing is an amendment to Kent Town Code Chapter 77 Article 7 regarding permitted uses in the IOC zoning district introduced as Local Law #\_/2019 the proposed changes to 77-24 include language adding section**(11) (\*) Buildings greater than three stories or 40 feet in height not exceeding 5 stories or 60 feet in height** and change to **77-25 adding H. (2) five stories or 60 feet pursuant to S. 77-24 (11).**

Councilman Denbaum said he proposed the amendment because it appeared to be a necessary step for the Route 52 Project. He thought residents should be heard and should see whether the town board was going to change zoning laws to allow for the project to go forward.

Town Counsel Nancy Tagliafiero questioned regulating building dimensions by special use permit; she thought it could have been drafted differently. Her concerns were shared privately with the board regarding liability. She would like to see this type of application coming from the applicant.

Councilman Denbaum explained behind the scenes there has been a calculating effort to not allow the hearing to happen; the town board has been fighting the Supervisor's efforts to not have this public hearing. Supervisor replied that is false, a political statement. Councilman Denbaum said at the last minute when finally forced to have a public hearing a political statement was just made that they are abandoning the truck stop without evidence and holding a statement like that. Supervisor Fleming only received the information and it wasn't executive session material. Councilman Denbaum thought it convenient, he said the Supervisor has been on record in support of the truck stop, and has tried to stop him from having the public hearing even enlisting the town attorney to try to silence members of the board running for political office at a political event. Supervisor Fleming replied it is not what has happened. She said we were advised by town council that we could voice concerns but we were not to say yes or no.

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She would have advised the board in executive session had it been proper. Councilwoman McGlasson was upset that the board was not notified until now, she thought an email or an effort could have been sent, she is happy that the truck stop is removed.

Bill Volckmann Chairman of the CAC has spent time looking into the Kent Comprehensive Plan regarding the zoning changes. Specifically interesting is how they explain how to protect the rural and the mixed use character of the Town of Kent. One of the recommendations is to funnel all economic development to the Route 52 corridor on the eastern side of Kent. It recommends removing certain zones and adding certain zones called the Industrial Office Commercial Complex (IOC) the only area that is, is along Rte. 52 in the planned economic development corridor. A significant effort was made into what zoning should be done and what is appropriate for this town. They established a height limit of three stories or forty feet which is in character of our rural town. Changing the zoning does not make any sense. It would reduce the effectiveness and purpose of Kent Comprehensive Plan; it will result in an impact on preserving the character of our Town. It may result in other property owners in the IOC deciding to rebuild to a higher height or simply build something new to the new height. If the zoning would be changed we may end up with a corridor of tall buildings along Rte. 52. He does not think that's appropriate, and it was not the scope of the Kent Comprehensive Plan. If there is a need to change the zoning he believes it's appropriate to assemble a committee of people to go thru a process to figure out what is appropriate. We should not have a knee jerk reaction to change zoning. You are abrogating the zoning board of appeals expertise. It's the advisory recommendation of the CAC to not change the zoning in the IOC. Leave the height at three stories or forty feet and if there is a need to address that at a different time assemble a committee of people from the CAC, Zoning board, the Planning board, the Town board, the Building inspector and others in the Town and go thru that process to figure out what is appropriate for the Town of Kent.

Eileen Civitillo a resident of Kent thanked Councilman Denbaum for bringing this amendment up for discussion. She said she is equally surprised Maureen by your statement, that you didn't mention the Truck Stop being removed from the project since she was on the phone with you at 4:00 p.m. there are no rules. She said the committee feels prophetic tonight we read the future and felt before the election that the truck stop would miraculously disappear from this proposal. The committee of the Stop the Kent Truck Stop and Stop the Destructive Mining of the Town of Kent votes not to change the zoning code for this developer, not that we have a vote but we have a say. It has only been five weeks that a petition started, she receives emails daily and is going to keep that petition open as of today we have 1,022 signatures. A couple of years ago the Kent Materials site began to be mined. First they took all the trees, then the soil and then the rock, they destroyed that piece of land and they caused great havoc in the Town of Kent in so doing. She complained when they were not in compliances, they took their summons and their rock. All along they promised us commercial development, and tax relief. We all know what happened, we now do not have it on the tax roll as a commercial development but now we have to buy a school bus garage. The entire Home Depot Complex on Rte. 312 required a disturbance of 387,000 cubic yards removal of soil and rock. This proposal Truck Stop or not, proposes to remove 17 times that, 6,700,000 cubic yards of rock and soil! We will be looking at trucks and hearing blasting for the rest of our lives. A friend in Patterson advised them when Peckam Industries was mining there and they broke into their well. Our logo doesn't just say stop the Kent truck stop it says stop the destructive mining of the Town of Kent. She said Kent is unique we are a corridor, in Kent's history no one has ever had to mine to put in a business

Pat Murphy resident of the Town asked if the Kent Police Dept. has taken a truck stop safety course. He also asked how long a cop has to observe a truck idling before served a summons. Chief Owens responds they have not gotten into the truck stop safety course. It will be many hours of training if they build it, but if they don't then we do not need to do so. Mr. Murphy asked the time it takes an officer to do a roadside truck stop. Chief Owens replied they investigate truck emergencies but for the most part they call the State Police, or the Sherriff's office. Mr. Murphy spoke about the CVU Commercial Vehicle Enforcement Unit that performs CVSA Commercial Vehicle Safety Assistance, and recommended the Town request this from the

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State Police to perform this for the Planning Board. He said for a Kent cop to become CVSA certified they would need to take a week long course in Texas offered by a transportation agency in DC. That enables a cop to do an entire inspection on the whole truck and issue summons. He asked if the Kent PD issues summons for town code violations. Supervisor replied the Code enforcement officer. He said the residents in his neighborhood for the past four years have listened to trucks loading at 3:30 a.m. in the morning. He asked for a list of the complaints, summonses issued and the fine amounts of the summonses and most importantly any action taken to update the Town Code; noise, hours of operations and fine amounts, seeing what will be coming in the future. He asked if firefighters have been warned about Nimham Mountain and Gipsy Trail Rd. considering there are arsenic mine there, wouldn't there be a health hazard to volunteer firefighters if there were a fire. The Supervisor responded that the EPA and the Dept. of Health have been on top of this with the residents. Bill Volckmann CAC Chairman encouraged everyone to go to the DEC and the EPA website regarding the arsenic mines. Mr. Murphy spoke to the Town Board regarding the disrespect the Planning Board showed to the residents and tax payers. Did anyone speak to the Planning Board between the Sept. 10 meeting and the Oct. 10 meeting regarding the disrespect? The representative for the Planning Board in a very condescending manner talked about killing children in the streets. The Supervisor answered that has been addressed. Mr. Murphy said I did not hear of any disciplinary hearings or actions. He said the audience was upset, the chairman called in for more police presence because of the outrage of the people. I believe they are trying to suppress our freedom of speech. He said the Chairman of the Planning board while looking at him says volunteer to help your community. He volunteered on 911 that is what he did for his community.

Ann Campbell a member of the CAC wanted to be sure in thinking that the proposed revision is to raise the building height for the entire IOC district in the Town of Kent and If approved any lot can be built to that height. If the resolution is voted down our zoning code stays the same, any developer can seek a zoning change to go above our current height limit, a spot zoning change. Supervisor replied correct. Ann stated her reasons for opposing this resolution, stating we have a Kent Comprehensive plan and State law requires we enact a zoning code that is consistent with a Master Plan/ Kent Comprehensive Plan. The town has not undertaken any additional study or planning activities and has not updated the plan since that zoning code was enacted. If conditions have not changed why should the code change? This building height would certainly be out of character with the rural quality of the town. It would be in violation of our plan in practice as well as principle. She has heard the existing fire equipment could not be used to support these buildings. In addition to any environmental and character costs to the community there would be a financial cost in the long run. She urged the Town Board to vote against modifying the zoning code to allow a building height above our current height.

Brittany Alvarez, grew up in Kent, and presently resides on Farmers Mills and is an Associate Broker with J. Philip Real Estate and wanted to speak for a variety of reasons. She has volunteered in many capacities and understands what it is like to have people mad at you when you believe you are doing the right thing. She said the 10/10/19 planning board meeting began with the Chairman of the board taunting those who attended going so far as to making a comment about killing children in the streets she thought that comment alone is enough to ask for his removal or to even expect it. She shouldn't have to ask! She said our schools are currently ranked 29 over 700 schools and fears that ranking will be a distant memory if this project goes thru even without the truck stop. She said we have a great school district; Carmel High School's graduation received National recognition this year. She said we were directed to the Planning board by the Town board where we were ridiculed. The Chairman made mention that he was up since 5:00 am and that we needed to get on with it so was everyone else, he can't be in charge of this project. She agreed we do need development in this Town desperately to offset taxes but this isn't it, we have an opportunity to turn this around. We have a wasteland of commercial spaces in this town. We need to fix what's broken before we add to the mix. We have no grocery store let's start there. She fears the track record of this developer. She said you are our elected officials we voted for you, you represent us. The Planning Board is appointed and quite frankly this is a project too big for them. This is yours to stop, all of it, and we expect you to do just that. Let's revive this town, she offered her

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experience and proven track record of getting things done. We do not want our town destroyed.

Henry Boyd, head of the Chamber of Commerce and a Kent Business owner said you brought good news and thanked the board and everyone in the room for coming here, its power to the people and that's what we need. He said N O to changing the zoning. We do not need a 4 story or 5 story building. He said most people do not want any change.

John Garafolo a resident since 1968 was glad you got rid of the truck stop, but said most of the motels in Putnam County are section 8. There is a hotel in Brewster that now holds resident convicts on parole, this is not progress. He said you also want to put a water park here, we can't handle the traffic, today there was an accident and there was chaos. In 1968 there was only one car in a driveway and now there are five. You want a hotel; he doesn't know what you think is in Carmel that people are going to want to see. There are only so many revolutionary cemeteries you can visit. He said the water park; you can't even keep your lakes clean. He said he has hard well water, if you want to fix water fix my water. He said mining will require drilling he has to sleep, he doesn't need somebody hammering 3:00 a.m., and this is not progress but the destruction of Kent. The Supervisor responded by saying this project was not a project of the Town Board, it was brought to us. Mr. Garafolo replied but it's your responsibility to say absolutely not, you are our elected official and you should be saying no this is a residential area across from our schools. You want to build something build a new school; if I am being charged that outrageous amount build a school.

Lisa Leonard a twenty-five year resident of Kent thanked the board and is thrilled to hear the truck stop is off the table but thought tonight's meeting is about the zoning change. Would you like us to raise our hands since there are so many people here to show who doesn't want the zoning change or do you want all the people to speak? Supervisor Fleming asked a raise of hands for those in favor of the zoning change. There were none.

John Neff a resident of 43 years questioned why you would even think of voting for a zoning change if you have not received any commitments from the developer. He said he has reviewed all the video. The architect made statements that everything is linked together, the La Quinta Inn specifically for the truckers he asked if that will not be built. Supervisor Fleming did not know of the changes to the application but thought it would be significant. He did not see the zoning change vote on the agenda and asked if it would be voted upon. Councilman Denbaum said the public hearing will be closed; he will add it and it will be voted upon.

Toni Addonizio, Putnam County Legislator has been receiving calls but her hands are tied because town rule supersedes. She is speaking as a Kent resident and Real Estate Broker who is working with buyers who have heard of the project and are not interested in houses in Kent due to the unforeseen ramifications if this project goes forward specifically concerning the environmental. She asked what sellers will do when their wells have been compromised. She implored the board to vote no this evening.

Kathy Doherty stated she was the Town Supervisor when the 2008 Master Plan was adopted. When she heard of the project she thought this was too big for that area. Kathy said Maureen was surprised we didn't hear about the project before, and at the scoping session made the statement that this was an amazing project. She wondered why you said it so soon without knowing all the details and only after finding out all the things they have found out that you have changed your mind. You didn't want a cement plant across from Hill and Dale but you did not mind a mining project for all those living on this side of town. She also urged all to vote no.

Susan Kotzur thanked the town board and appreciated the time spent on this. She recalled the classic "It's a Wonderful Life" with Jimmy Steward and Donna Reid. She said we all know the story of the small quiet town of Bedford Falls based on Seneca Falls. George Bailey is the owner of the local Building & Loan Company; his Uncle Bill mistakenly folds a large deposit into a newspaper and hands it to Mr. Potter instead of the bank. As we know George wishes he was never born. His guardian angel grants him his wish and allows him to go back to the town. It

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was different, it was known as Pottersville, bright lights, loud music, bars and dancing girls. He was aghast wishing he was alive again. She said we are the George Baileys. She urged the town board to not change the zoning code, to keep it three stories.

Kurt Fuchs a resident of Kent brought up a problem with the need for different fire trucks and a building to fit the trucks if the height code is changed. He has lived in Kent for 20 years, a fifth of that time he has listened to blasting, rock hammering, trucks breaking code every day from Monday – Saturday and sometimes on Sunday, he lives within 1,000 feet of the current empty lot, which he looks at during the winter. That project was to be 30 months, it lasted 4 years, we were suppose to get commercial space for four stores, contractor storage in the rear, now the school district has purchased it. His home and his neighbors shook every time they blasted. This town is built on ledge, you feel it a mile away, and it will affect our wells. If they do mining and do not go through with the park it is 5 years of dynamite, dust, mining, trucks dirtying the road, making it dangerous. Unfortunately we would love the revenue but let them know we had an instance that did not work. Supervisor Fleming said Councilman Ruthven worked with our Environmental Consultants and with Counsel to propose mining legislation to be discussed this evening.

Pat Madigan, resident of Kent asked where the water would come from for the water park, has anyone questioned that we have wells and not city water. Supervisor Fleming said that is part of the scoping document that took into consideration residents concerns, they have to answer many questions. She said Ann Fanezzi has explained the entire SEQRA process and if they are not answered to satisfaction that part of the project can't be built. Pat Madigan said we now have at the entrance a cement factory in existence and on one entrance of our town a truck stop. She said you were talking about whether appropriate or not that elected officials should not, especially those running for office should say whether they were for or against. She said at the forum held the other day, Councilman Ruthven explained how can he not let the people that he is asking to vote for him not know where he stands, you vote for a candidate because you know where they stand and she congratulated him. Supervisor Fleming said Councilman Ruthven did not say he was against it. Councilman Ruthven said he said from the very beginning there has been many aspects of the projects that he is very uncomfortable with and don't see how it can come to fruition. It opened his eyes when he looked at the scoping session. Pat Madigan said Councilwoman McGlasson and candidate Rick Kreps both said the same, the three were clear regardless of the attorney's recommendation, Chris said how could I not let the people know where I stand. Supervisor Fleming projected she said something very similar.

Mr. Murphy, resident said on December 17, 2017 the town board took a vote declining to be lead agency sending it to the Planning Board. He asked was there discussion, how much time was spent on the project. Councilman Huestis responded, stating he feels development is the authority of the Planning Board. Mr. Murphy asked if the town board understood the scope of the project before giving lead agency to the Planning Board. Councilman Huestis said yes he sent it to the planning board. He recalled when the developer came before the board he said there would be problems at the location having lived there his entire life. Mr. Murphy questioned disciplinary action against the Planning Board Chair as he was condescending to a local expert who was explaining the negative aspects of the project. Supervisor Fleming said he's been spoken to.

A resident who pays Carmel Central School taxes but does not live in Kent raised concerns about traffic. He resides on Route 52 and has noticed an increase amount of oversized truck traffic, probably due to work on the bridge and weight limits but asked if this is what our future will be. He said beside environmental concerns, safety is a concern as well.

Councilman Huestis said this past weekend north of Dunkin Donuts he counted 20 tractor trailers causing traffic he questioned is it due to bridge work or are they avoiding the weight station. He said some hauling prefab homes causing him to pull over which has concerned him.

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Heather Garera, just purchased her first home in April. She is a millennial and chose Kent, she came here because of the environment, the openness the woods, the trees, fishing. She does not want it to go away. She does not want to stare at a 5-story building.

Hannah Aull, a 22 year old resident has noticed an increase of heavy loads and tractor trailers on Route 301. She was almost crushed by an oversize load turning on Rt. 52 from Route 301. She coaches Carmel HS Volleyball one of her players was in an accident on Route 301 with oversized vehicles. If this plan is passed the reality is an increase of accidents because our current roads were not built for it.

A resident thought it insane to build a motel across the street from a school. He said as elected officials you need to insure the safety of the people in the room and their children.

### **Resolution #372 - Close the Public Hearing**

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

Resolved: The public hearing on an amendment to Chapter 77, Article VII – Permitted Uses in an IOC Zone was closed.

Motion carried unanimously

### **WORKSHOP MEETING**

The board discussed the items on the workshop agenda. To see and hear what transpired at the workshop meeting please see Videos on Demand on the Town's website.

[www.townofkentny.gov](http://www.townofkentny.gov).

### **Public Comment**

Sue Kotzur said there had been talk about the retention pond at Ryan's Field, she said she has been there the end product is nice it is finished its gorgeous; it looks like a butterfly field. Bill Volckmann stated in the Comprehensive Plan it recommends an Economic Agency be created to help find economic opportunities for the Route 52 corridor. He knows the town has been working with the PC EDC which is great but thinks we need an agency focused on the town of Kent. He thinks that can help us attract development.

### **THE TOWN BOARD MEETING WAS CALLED TO ORDER WITH ROLL CALL**

Supervisor Maureen Fleming – present

Councilman Paul Denbaum – present

Councilwoman Jaime McGlasson – present

Councilman Bill Huestis –present

Councilman Chris Ruthven – present

### **Resolution #373 - Add to Agenda**

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

Resolved: Amending Chapter 77, Article VII regarding Zoning Code was added to the agenda.

Motion carried unanimously

### **Resolution # - Local Law # /2019 Amending Ch 77, Article VII**

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

Resolved: Chapter 77 – Article VII of the Kent Zoning be amended by Local Law #4/2019 specifically regarding the raising of building height to 5 stories and 60 feet in height pursuant to Chapter 77 Section 24 for the IOC District.

Discussion;

Councilman Huestis knows this is important and asked there has been no petition or request in writing; he asked if we are supporting the current Master Plan. Councilman Denbaum explained if the vote passes it would go against if the vote fails it would be in keeping with the plan. Councilman Huestis expressed concerns of legal exposure to the town. Councilman Denbaum said their attorney on record made the statement, his position is whether we change

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the town code as the board's prerogative to vote, not being held hostage to the developer's time line. Councilman Ruthven questioned by voting on this, it doesn't prohibit anybody from petitioning the board for change at a future time. Councilman Denbaum replied it doesn't prohibit the board or another developer.

### **Roll Call**

Councilman Denbaum – voted nay, he is happy to bring this matter to a vote and reaffirm the commitment to the town's residents. He has been here for 6 years and has never seen the public or town more engaged in an issue, we have never opened the back doors, never even been to the 5<sup>th</sup> row, sometimes it is him, the town board, the Chief and Sue. He thought the town board could not look at the response of its residents and do anything other than reaffirm to vote no on this matter.

Councilwoman McGlasson – nay

Councilman Huestis – said he is concerned about the legal exposure. He will vote no. He has not seen a petition or request and will vote no because he wants to keep the current Comprehensive Plan, he is not here to change it. He hopes we are making the right decision.

Councilman Ruthven – said we should never change our zoning like that without addressing our Comprehensive Plan, he thinks we have a very good one and should stick with it and voted no.

Supervisor Fleming – said she echoed Deputy Supervisor Huestis's concerns, we've been provided no good reason to make this change to the town code at this juncture, she doesn't see why we would put it forward ourselves and see lets change the code, she echoed Councilman Ruthven and the Deputy Supervisor and voted no.

Motion not carried

### **Resolution #374 - Climate Smart Initiative**

On a motion by Councilman Denbaum

Seconded by Councilman Ruthven

**WHEREAS**, the Town Board of the Town of Kent ("Town") believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels; and

**WHEREAS**, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

**WHEREAS**, the Town Board believes that (i) our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; (ii) the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and (iii) even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent, in order to reduce greenhouse gas emissions and adapt to a changing climate, adopts the New York State Climate Smart Communities pledge, which comprises the following ten elements:

- 1) **Build a climate-smart community.**
- 2) **Inventory emissions, set goals, and plan for climate action.**
- 3) **Decrease energy use.**
- 4) **Shift to clean, renewable energy.**
- 5) **Use climate-smart materials management.**
- 6) **Implement climate-smart land use.**
- 7) **Enhance community resilience to climate change.**
- 8) **Support a green innovation economy.**
- 9) **Inform and inspire the public.**
- 10) **Engage in an evolving process of climate action.**

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**BE IF FURTHER RESOLVED**, that the Town Board of the Town of Kent authorizes the Town Supervisor to execute any documents necessary to give effect to this Resolution.

**Roll Call:**

Councilman Denbaum – nay, he believes this is a gateway to the green new deal which has been correctly viewed as a failed policy and voted no.

Councilwoman McGlasson – aye

Councilman Huestis – aye since it is non-binding, its boiler plate and its going through most towns within the State of New York and the DEC is involved, he will support this, yes.

Councilman Ruthven – he would hope that his fellow Councilman Denbaum will let us talk over a cup of coffee and change his mind and voted yes.

Supervisor Fleming – applauded the efforts of our CAC in moving this forward she applauded the efforts of Councilman Ruthven and voted yes.

Motion carried

**Resolution #375 - Accepting Quote for Tree Removal for Lake Carmel Park District**

On a motion by Councilman Denbaum

Seconded by Councilman Ruthven

**WHEREAS**, there is a need for the removal and trimming of a maple tree in the Lake Carmel Park District; and

**WHEREAS**, in accordance with the Town's Procurement Policy, the Town requested quotes for the tree removal, and received 3 written quotes in response, copies of such quotes and attached hereto and incorporated hereby; and

**WHEREAS**, Red Oak Tree Service Inc. has submitted the lowest quote in the total amount of \$700; and

**WHEREAS**, the Town Board of the Town of Kent wishes to accept the quote submitted by Red Oak Tree Service Inc.;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby approves the removal of the maple tree by Red Oak Tree Service Inc. for a price not to exceed \$700.

Motion carried unanimously

**Resolution #376 - Accepting Quote for Tree Removal/Trimming at Ryan Memorial Park**

On a motion by Councilman Denbaum

Seconded by Councilman Ruthven

**WHEREAS**, according to Jared Kuczenski, Acting Director of Recreation and Parks, there is a need for the removal and trimming of numerous trees at Edward Ryan Memorial Park; and

**WHEREAS**, in accordance with the Town's Procurement Policy, Mr. Kuczenski requested quotes for tree removal and trimming services, and received 3 written quotes in response, copies of such quotes and attached hereto and incorporated hereby; and

**WHEREAS**, Mr. Kuczenski recommends that the Town accept the lowest quote submitted by Larry Reynolds Tree Service, Inc. in the total amount of \$1,400; and

**WHEREAS**, the Town Board of the Town of Kent wishes to accept the recommendation of Mr. Kuczenski and accept the quote submitted by Larry Reynolds Tree Service, Inc.;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby approves the removal and trimming of the trees by Larry Reynolds Tree Service, Inc. for a price not to exceed \$ 1,400.

Motion carried unanimously



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### **Resolution #377 - Accepting of NYCDEP Letter in Lieu of Erosion Control Bonds**

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

**WHEREAS**, the Planning Board, by Resolution #15 of the Year 2019, dated October 10, 2019, has recommended that the Town Board accept a letter from NYCDEP in lieu of a Erosion Control Bond on the property identified as Tax Map No. 33.-1-44, 33.-1-45, and 33.6-1-71; and

**WHEREAS**, said letter of the NYCDEP provides that the City guarantees that all work described in the Erosion Control Plan will be “strictly adhered to”; and

**WHEREAS**, the Town Board of the Town of Kent wishes to follow the recommendations of the Planning Board;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts the recommendation of the Planning Board and approves the acceptance of the letter from the NYCDEP in lieu of an erosion control bond.

Motion carried unanimously

### **Resolution #378 - Accepting Erosion Control Surety Bond, Mitigation Plan Bond & Escrow for Inspection Fee**

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

**WHEREAS**, the Planning Board, by Resolution #18 of the Year 2019, dated October 18, 2019, has recommended that the Town Board accept: (i) an Erosion Control Bond in the amount of \$1,760; (ii) a Mitigation Plan Bond in the amount of \$2,000, and (iii) an escrow for the Final Inspection Fee in the amount of \$1,000 from the owner of the property located at 31 Friend Lane, Kent, New York, identified as Tax Map No. 32.06-1-1; and

**WHEREAS**, the Town Board of the Town of Kent wishes to follow the recommendations of the Planning Board;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts the recommendation of the Planning Board and approves the posting of the above referenced bonds and escrow for inspection fees.

Motion carried unanimously

### **Resolution #379 - Accept Erosion Control Surety Bond & Escrow for Inspection Fee**

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

**WHEREAS**, the Planning Board, by Resolution #17 of the Year 2019, dated October 18, 2019, has recommended that the Town Board accept: (i) an Erosion Control Bond in the amount of \$28,150; and (ii) an escrow for the Final Inspection Fee in the amount of \$1,000 from the owner of the property located at Lhasa Court, Kent, New York, identified as Tax Map No. 31.9-1-6; and

**WHEREAS**, the Town Board of the Town of Kent wishes to follow the recommendations of the Planning Board;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts the recommendation of the Planning Board and approves the posting of the above referenced bonds and escrow for inspection fees.

Motion carried unanimously

### **Resolution #380 - Set Date for Preliminary Budget Hearing**

On a motion by Councilman Ruthven

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Seconded by Councilman 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 2020 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 , 2019, 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 #381 - Authorize Correction of Violations, Acceptance of Proposal & Charge to Property Owners**

On a motion by Councilman Ruthven  
Seconded by Councilwoman McGlasson

**WHEREAS**, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation (the “Order to Remedy”) directing the removal of rubbish, excess weed, grass and brush growth from the following properties:

|                        |                        |
|------------------------|------------------------|
| 11 Hawthorne Road      | Tax Map 33.58-1-34     |
| 44 Towners Road        | Tax Map 33.72-1-36     |
| 9 Dingley Road         | Tax Map 33.74-2-49     |
| 4 Livingston Road      | Tax Map 22.50-2-2      |
| 77 Clubhouse Road      | Tax Map 33.35-1-44     |
| 122 Route 311          | Tax Map 22.-2-15       |
| 324 Richardsville Road | Tax Map 31.15-1-8; and |

**WHEREAS**, the Order to Remedy requires each owner to correct the violations or respond to the Code Enforcement Office within ten days and, to date, the owners of the Properties have not responded; and

**WHEREAS**, pursuant to Chapter 55A of the Town Code of the Town of Kent regarding “Property Maintenance”, upon the failure of any owner to comply, the Building Inspector is authorized to correct a violation subject to the approval of the Town Board; and the Town Board wishes to authorize the Building Inspector to correct the violations if the owner does not correct the violations or respond to the Code Enforcement Office within the ten days; and

**WHEREAS**, consistent with the Town’s Procurement Policy, the Town of Kent requested three proposals from contractors to correct the violations on the Properties and received one proposal in response, copies of which are annexed hereto and incorporated by reference; and

**WHEREAS**, the Town Board wishes to accept the sole and therefore lowest proposal submitted on the properties as further outlined below:

|                        |       |                              |
|------------------------|-------|------------------------------|
| 11 Hawthorne Road      | \$100 | JB Affordable Lawn Care Inc. |
| 44 Towners Road        | \$100 | JB Affordable Lawn Care Inc. |
| 9 Dingley Road         | \$120 | JB Affordable Lawn Care Inc. |
| 4 Livingston Road      | \$150 | JB Affordable Lawn Care Inc. |
| 77 Clubhouse Road      | \$150 | JB Affordable Lawn Care Inc. |
| 122 Route 311          | \$250 | JB Affordable Lawn Care Inc. |
| 324 Richardsville Road | \$200 | JB Affordable Lawn Care Inc. |

**TOWN BOARD MEETING OF OCTOBER 22, 2019**

**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 \$1,070; and

**BE IT FURTHER RESOLVED**, that the actual cost of the correction of the violation, plus the accrued legal rate of interest from the date of completion of the work, shall be charged to the property owners by the Town in accordance with Chapter 55A-12 (B).  
Motion carried unanimously

**Resolution #382 - Authorizing Pest Control Treatment Lake Carmel Park District Community Center**

On a motion by Councilman Ruthven  
Seconded by Councilwoman McGlasson

WHEREAS, the Town Board of the Town of Kent has received a request from the Lake Carmel Park District Clerk to authorize emergency repairs at the Lake Carmel Park District Community Center (the Structure) due to pest infestation that has caused damage to the Structure; and

WHEREAS, Ted Hill Pest Control has reviewed the structure and proposes to treat and repair the Structure at a cost of \$3,200; and

WHEREAS, Section 103(4) of the General Municipal Law exempts from competitive bidding an emergency purchase, where there is the need for the procurement of goods and services arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, and the Structure is intended to be used during the next few weeks necessitating its immediate repair;

WHEREAS, the Town Board wishes to authorize the repair and treatment of the Structure;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes and approves the repair and pest control treatment of the Lake Carmel Park District Community House by Ted Hill Pest Control for a cost not to exceed \$3,200.  
Motion carried unanimously

**Resolution #383 - Vouchers and Claims**

On a motion by Councilman Huestis  
Seconded by Councilwoman McGlasson

Resolved: All Vouchers #200152505 - #200152683 and claims submitted by:

|     |                                   |              |                                |
|-----|-----------------------------------|--------------|--------------------------------|
| 1.  | Barney Zip kin Tree Service, Inc. | \$8,855.52   | Tree Service                   |
|     |                                   | \$13,711.04  | Cemetery Trees                 |
| 2.  | Beacon Recycling                  | \$2,394.55   | Lake Carmel Recycling          |
| 3.  | Best In Backyards                 | \$4,323.00   | Recreation Shed                |
| 4.  | City Carting                      | \$5,827.79   | Lake Carmel Garbage            |
|     |                                   | \$6,062.07   |                                |
|     |                                   | \$7,683.45   |                                |
|     |                                   | \$4,387.86   |                                |
|     |                                   | \$6,315.19   |                                |
| 5.  | Civic Plus                        | \$3,500.00   | Website Annual Renewal         |
| 6.  | Extreme Signs & Apparel           | \$3,164.16   | Soccer Uniforms                |
| 7.  | Hogan & Rossi                     | \$5,416.63   | Legal Services: October        |
| 8.  | Kevin P. Irwin                    | \$4,626.00   | Special Prosecutor             |
| 9.  | Magna5                            | \$6,114.25   | Telephone Service              |
| 10. | John P. Nilsen                    | \$6,500.00   | Payment 1: Removal Of Building |
|     |                                   | \$9,050.00   | Payment 2                      |
| 11. | NYCOMCO                           | \$2,846.00   | 2 Way Radios: Police           |
| 12. | NYS Dept of Civil Service         | \$204,321.39 | Health Insurance: October      |
| 13. | Office of Senior Resources        | \$2,500.00   | 2019 Outreach Worker           |
| 14. | Peck ham Materials                | \$29,663.28  | Blacktop                       |

TOWN BOARD MEETING OF OCTOBER 22, 2019

|                                    |             |                             |
|------------------------------------|-------------|-----------------------------|
|                                    | \$11,562.20 |                             |
| 15. PKF O'Connor Davies, LLP       | \$36,700.00 | 2018 Audit                  |
| 16. Purchase Power                 | \$2,542.71  | Postage/Supplies            |
| 17. Riverview Industries           | \$3,079.82  | Paint Frame Parks Truck     |
| 18. Town of Kent Municipal Repairs | \$26,878.23 | Chargeback's: Highway Sept. |
|                                    | \$11,407.71 | Chargeback's: Highway Aug.  |
|                                    | \$22,552.94 | Chargeback's: Highway July  |

In the amount of \$484,592.54 may be paid.  
Motion carried unanimously

**Correspondence**- List Attached

**Public Comment** – There was none.

**Resolution #384 - Adjournment**

On a motion by Councilman Huestis  
Seconded by Councilman Ruthven  
Resolved: The Town Board meeting of October 22, 2019 adjourned at 10:15 p.m.  
Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli  
Town Clerk