

## KENT TOWN BOARD MEETING SEPTEMBER 24, 2019

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

### **RESOLUTION#332 ADJOURN TO EXECUTIVE SESSION**

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

Resolved: The town board adjourned to executive session at 6:05 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#333 ADJOURN EXECUTIVE SESSION**

On a motion by Councilman Huestis

Seconded by Councilwoman McGlasson

Resolved: The town board adjourned executive session at 7:05 p.m. no votes were taken.

Motion carried unanimously

### **PLEDGE OF ALLEGIENCE**

The workshop meeting was opened 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](http://www.townofkentny.gov).

### **PUBLIC COMMENT**

The Kent Truck Stop project was discussed and the full discussion can be viewed on the Town's website on Videos on Demand. Eileen Civitello introduced herself as the founding member of the "Stop the Kent Truck Stop" and congratulated the Town of Kent for the statement they are making. She introduced Marie Merzen who stated that Kent is a superior place to live and what we are facing with the proposed development is the deconstruction of tranquility, safety and clean air. We are proposing that directly across the street from our only elementary school we are going to subject our children to years of excavating and dynamiting. She researched the address of the proposed developer in Ozone Park and found a beautiful hotel that had been converted into a homeless shelter. They build hotels and then lease them to the State of New York for homeless shelters. She questioned who the contractor would be and the engineer. Henry Boyd who represents the Carmel Kent Chamber of Commerce stated that a truck stop does not belong at the top of a hill and will cause traffic on Route 52 that is not designed for that kind of traffic. The trucks will also be getting off of Exit 18 and traveling along Route 311 and passing the schools on 52. Where the proposed bus garage is going was Kent Materials, they came in cleared all the rock and then left. If these people get permits and permits to blast it is 5 million cubic feet of rock. Gross cost of \$84 million so ½ to mine and walk away with \$42 million and a big mess for us. When this first came out the Chambers thought this was great for the Town of Kent. But when you begin to analysis it it's not a good idea. Councilman Denbaum stated that it is his understanding that the applicant wants the town board to change the zoning law to allow for higher buildings. That would be in front of the town board and he intends to make a resolution for a public hearing to see what the public wants. Public hearing would take place on October 22<sup>nd</sup> if it is approved. Town board would then have a say on a portion of the project. He believes the town board should have a say on the whole project. Mr. Boyd stated the concern with the change in zoning is fire trucks. We'll need fire trucks for the higher buildings and storage for the fire trucks since our fire houses cannot hold larger trucks. Supervisor Fleming stated that the applicant has not come to the town board yet with that petition. This board never opens and closes a public hearing in one night so they would have multiply sessions and people could submit written comments. Councilman Ruthven stated that originally they were going for a zoning variance and now they have changed to wanting to go for a zoning code change.

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George Baum wanted to encourage the town board to pass a resolution on global climate issues as discussed by Anne Campbell.

Joe Greico, limousine owner is concerned that trucks will be coming off exit 18 because they will not want to travel up the hill at the next exit. Expressed concern with young drivers on our roads with trucks and the wear and tear. Roads will need to be fixed and it will fall on the tax payers. Penny Osborn Tarbox stated she is a member of the Nimham Mountain Singers and they travel to Pow Wows in their camper and stop at truck stops to dump their black water. Truck stops bring campers and they'll want to dump their black water too. She doesn't believe this project will take place, what she believes is they will come in and mine the property because it is over \$8 million worth of rock and then claim bankruptcy. The property is not zoned for a hotel and will cost the town more money for police and fire engines. If we want to do good zoning no spot zoning. Maureen Perrotti read the mission statement of Kent's 2008 Comprehensive Plan and described what spot zoning is. Spot zoning is when properties nearby are zoned differently but the applicant receives a favorable zoning classification just because they asked or because they are being favored. Spot zoning is the process of singling out a parcel of land for a use classification totally different from that of the surrounding area for the sole benefit of a single owner of such property or a single development interest. Our zoning allows three story buildings and no more. Pamela Richardson asked the board to look at the application as a whole when the request for zoning change comes in which is a requirement of the SEQRA application. You cannot look at pieces of the project but have to look at it as a whole. Neil Vanderwoude discussed sustainability and that the project needs to be looked at for what it is going to do over the next twenty years, not what it is going for taxes or revenue over the next four or five years. Also stated that the planning board has a right to demand a bond so that we don't get left holding the bag. Make someone guarantee with a bonding company that they are going to finish what they start. Dr. Phil Behr discussed his experience when he was a member of the planning board years ago when the Hill and Dale condos wanted to come in. Tom Murphy expressed his concern about toxic waste haulers using our roads and then using the truck wash. Also concerned about the time an ambulance call will take to someone's home if those ambulances are also handling a truck stop and two hotels. Mr. Boyd discussed tax breaks in Putnam County with the IDA, once you get an approval you go to the IDA and get a tax break. Which means these hotels could go in and we wouldn't see tax dollars for years. Also discussed that many homes on the top of the hill have wells that are only a hundred feet deep. A 180 foot rock cut will cause those people to have no water. Kim Buckner Wright stated she is a parent of KES children and a teacher in Dutchess County and is concerned about the children's safety. A truck stop within 1500 feet of a school raises concerns. John Neff asked for actual numbers of how much he is going to save in tax dollars. \$9 out of every thousand of the assessment. School district gets 70%, county gets five out of every thousand assessment and we get seven. He believes that the developer has no intention of building anything but is coming for a zoning change to increase the value of his land. Kathy Doherty asked the board if they are coming for a resolution at the next town board meeting or if they are waiting for a petition. Councilman Denbaum stated that he is looking to move forward with a proposal to amend the zoning to exceed the height, set the public hearing and have that public hearing take place on October 22<sup>nd</sup>. He is not in favor of changing the zoning but he doesn't think we should be waiting around to have the developers to tell us when and how we should change our zoning laws.

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

Supervisor Fleming – present

Councilman Denbaum – present

Councilwoman McGlasson – present

Councilman Huestis – present

Councilman Ruthven – present

### **RESOLUTION#334 CYBER SECURITY CITIZEN'S NOTIFICATION POLICY**

On the motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

**WHEREAS**, the Town of Kent values the protection of private information of individuals; and

**WHEREAS**, in order to enforce this value the Town of Kent wishes to adopt a Cyber Security Citizen's Notification Policy, a copy of which is annexed hereto and hereby made a part

hereof, which requires notification of individuals when there has been or is reasonably believed to have been a compromise of the individual's private information.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby adopts the annexed Cyber Security Citizen's Notification Policy; and

**BE IT FURTHER RESOLVED**, 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.

UPON A ROLL CALL VOTE:

Supervisor Fleming: aye

Councilwoman McGlasson: aye

Councilman Ruthven: aye

Councilman Huestis: aye

Councilman Denbaum: nay

VOTE: RESOLUTION CARRIED BY A VOTE OF   4   TO   1  

Motion carried

**RESOLUTION#335 WAIVING TOWN MARRIAGE LICENSE FEE ACTIVE DUTY MEMBERS OF THE ARMED FORCES**

On the motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

**WHEREAS**, the State of New York recently amended Domestic Relations Law Section 14-a to permit municipalities to elect to waive the fee for a marriage license when either of the parties making the application is a member of the armed forces of the United States on active duty; and

**WHEREAS**, in acknowledgement of their service, the Town Board wishes to elect to waive the Town fee for a marriage license for members of the armed forces of the United States on active duty;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes the Town Clerk to waive the Town fee of \$17.50 for a marriage license when either of the parties making the application is a member of the armed forces of the United States on active duty.

Motion carried unanimously

**RESOLUTION#336 TO HIRE SEASONAL EMPLOYEE FOR THE RECREATION AND PARKS DEPARTMENT**

On the motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

**WHEREAS**, the Town of Kent is seeking to fill a vacant position for a Seasonal Employee for the Recreation and Parks Department; and

**WHEREAS**, Jared Kuczinski, Acting Director of the Recreation and Parks Department, has recommended the hiring of Christopher Heller to fill the position; and

**WHEREAS**, the Town Board believes it to be in the best interests of the Town to accept the recommendation; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes the hiring of Christopher Heller as a Seasonal Employee for the Recreation and Parks Department at the rate of \$11.50 per hour for hours worked from Monday through and including Friday and at a rate of \$15 per hour for hours worked Saturday and/or Sunday; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Kent hereby authorizes the Supervisor to execute any and all documents necessary to give effect to this resolution.

Motion carried unanimously

**RESOLUTION#337 ADD PURCHASE PLOW BLADE TO AGENDA**

On the motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

Resolved: Purchase of plow blade be added to agenda.

Motion carried unanimously

**RESOLUTION#338 AUTHORIZING PURCHASE OF PLOW BLADE FOR RECREATION AND PARKS DEPARTMENT**

On the motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

**WHEREAS**, the Town Board of the Town of Kent has received a request from Jared Kuczenski, Acting Director of Recreation and Parks to purchase a plow blade for use at the Town Hall; and

**WHEREAS**, the Town Board has determined there is a need to purchase the plow blade; and

**WHEREAS**, the Town Board has been provided with a proposal for a 8.0 Super Duty Steel Straight Blade and snow deflector pursuant to Onondaga County Bid Ref # 7974. Onondaga is a county within the State of New York; and

**WHEREAS**, Section 103(16) of the General Municipal Law exempts from competitive bidding purchase contracts for apparatus, materials, equipment and supplies, through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district; and

**WHEREAS**, in accordance with the Town’s Procurement Policy and the General Municipal Law, the Town Board wishes to authorize the Recreation and Parks Department to purchase the plow blade and snow deflector for a price not to exceed \$4,831;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes and approves the purchase a 8.0 Super Duty Steel Straight Blade and snow deflector pursuant to Onondaga County Bid Ref # 7974 for a price not to exceed \$4,831; 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 #339 APPROVAL OF VOUCHERS AND CLAIMS**

On the motion by Councilman Huestis

Seconded by Councilman Ruthven

Resolved: All vouchers #20015227 - #200152390 and claims submitted by:

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1. Cemco Water	\$5,841.15	Water District Upgrade
2. City Carting	\$6,441.38	Lake Carmel Garbage
	\$6,603.45	
	\$6,580.55	
3. DiBella Electric	\$20,770.00	Highway Generator
4. Hawkins, Delafield & Wood LLP	\$5,995.00	Bond Counsel
5. Limnology Information	\$9,135.00	Lake Carmel Treatment
6. NYS Dept of Civil Service	\$206,948.58	Health Insurance: August
7. Peckham Materials	\$28,373.88	Blacktop
8. Purchase Power	\$2,000.00	Postage
9. Putnam Rec Program for Handicapped	\$2,000.00	Annual Contribution

In the amount of \$357,206.26 may be paid.

Motion carried unanimously

**PUBLIC COMMENT**

Mr. Fay resident of Knollcrest Road and Mrs. Adams resident of Hampton Road both expressed their concerns about the stop signs on Putnam Drive and Tuxedo Road. Supervisor Fleming stated that the board will discuss these concerns with the Chief of Police and the Highway Superintendent and will review it again at the October 22<sup>nd</sup> town board meeting. The board all agreed with the safety concerns that were brought up.

**RESOLUTION#340 ADJOURN TO EXECUTIVE SESSION**

On the motion by Councilman Huestis

Seconded by Councilman Denbaum

Resolved: The town board adjourned to executive session at 9:20 p.m.

Motion carried unanimously

**RESOLUTION #341 ADJOURN EXECUTIVE SESSION/MEETING**

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

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Resolved: The executive session/town board meeting adjourned at 9:40 p.m.  
Motion carried unanimously

Respectfully submitted,

Lauren Louderback  
Deputy Town Clerk