

TOWN BOARD MEETING/WORKSHOP MAY 5, 2015

A regular meeting was held on Tuesday, May 5, 2015 at 6:00 p.m. at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York, 10512.

Resolution #153 - Open Meeting & Adjourn to Executive Session

On a motion by Supervisor Fleming

Seconded by Councilman Tierney

Resolved: The meeting of May 5, 2013 was opened at 6:00 p.m. and adjourned to executive session to discuss collective negotiations under the Taylor Law.

Motion carried unanimously

Resolution #154 - Adjourn Executive Session

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: At 7:00 p.m. executive session adjourned and the workshop meeting resumed.

Motion carried unanimously

The board reviewed and discussed all the items on the workshop agenda.

Public Comment

A resident who resides on Gypsy Trail Road asked about the safety of Little Fill Causeway, not wanting it closed. Supervisor Fleming said it will not be closed; the board has obtained a \$100,000 grant through Sandy Galef's office and working with the East of Hudson Corporation to try to obtain funding from them.

Mr. Raymond Duffy a resident wanted to talk about a problem he has with a neighbor for the past five years running an illegal business. He asked how we stop him, he presented over 60 pictures. Councilman Tierney asked if our Code Enforcement Officer has presented him with violations and is in the Courts. Town Counsel Tagliafiero said it is pending, it is in court now, he is being prosecuted, and nothing can be done until there is a resolution. Mr. Duffy said he's been told violations have been written and it is a farce. Supervisor Fleming said we can continue to write violations but the board has no power over the court, we have to wait for process. Mr. Duffy asked a different lawyer be appointed to this. Supervisor Fleming thought Mr. Curtiss reclude himself. Mr. Duffy said he is being harassed and thinks that was transferred to another court, he should be issued new violations every day. Councilman Denbaum disagrees with the board, and believes he should be cited day after day with new violations.

Pledge of Allegiance - At 8:55 p.m. Supervisor Fleming called the Town Board Meeting to order with the Salute to the Flag.

Roll Call

Supervisor Maureen Fleming – present

Councilman Paul Denbaum – present

Councilwoman Penny Osborn – present

Councilman Bill Huestis – present

Councilman Mike Tierney –present

Also Present: Town Clerk Yolanda "Lana" Cappelli, Town Counsel Nancy Tagliafiero of Hogan and Rossi, Building Inspector Bill Walters, Fire Inspector Shawn Madsen, Tara Flynn.

Resolution #155 - Hire Building Department Clerk

On a motion by Councilman Denbaum

Seconded by Councilwoman Osborn

Resolved:

WHEREAS, the Town of Kent is seeking to fill the position of Clerk in the Building Department; and

WHEREAS, the Town has interviewed several potential candidates and wishes to hire Emily L. Cole to fill the position; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Emily L. Cole as a Clerk in the Building Department, in accordance with all applicable rules and regulations of the Civil Service Employees Association of the State of New York, such employment to commence on May 11, 2015, at a starting salary of \$28,500 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

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Resolution #156 - Highway – Award Salt Dome Bid

On a motion by Councilman Denbaum
Seconded by Councilman Tierney

WHEREAS, the Town of Kent duly advertised for bids for construction of a salt dome structure; and
WHEREAS, one bid was received in response to the advertisement and the bid was opened and publicly read at the Kent Town Center on May 2, 2015; and

WHEREAS, Dome Corporation of North America of Saginaw, Michigan submitted the sole bid in the amount of \$191,950.00 and was therefore the lowest bidder; and

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby accepts the bid of Dome Corporation of North America for the construction of a salt dome structure; and it is

FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes and directs the Supervisor to execute any and all documents necessary to give effect to this resolution.
Motion carried unanimously

Resolution #157 - Accept Resignation of Recreation Department Clerk

On a motion by Councilman Denbaum
Seconded by Supervisor Fleming
Resolved: The resignation of Michelle Roux was accepted with regret.
Motion carried unanimously

Resolution #158 - Highway Approve Transfer of Employee

On a motion by Councilwoman Osborn
Seconded by Supervisor Fleming
Resolved: Upon the recommendation of the Highway Superintendent the transfer of Kenneth Adams Jr. from the Highway Department to the Lake Carmel Sanitation was approved.
Motion carried unanimously

Resolution #159 - Lake Carmel – Accept Quote for Tree Removal

On a motion by Councilwoman Osborn
Seconded by Councilman Huestis

WHEREAS, the Town of Kent has determined there is a need to remove a tree from the lake at 245 North Terry Hill Road, Lake Carmel; and

WHEREAS, in accordance with the Town's Procurement Policy, the Town made three requests for quotes from tree removal services, and received 3 written quotes in response to such request, copies of which are annexed hereto and incorporated herein by reference; and

WHEREAS, Six Diamonds Tree Service & Landscaping, Inc. of Carmel, has submitted the lowest quote dated April 29, 2015 in the amount of \$1,200.00; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the quote submitted by Six Diamonds Tree Service and Landscaping, Inc.;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves the removal of the tree from the lake at 245 North Terry Hill Road by Six Diamonds Tree Service & Landscaping Inc. for the price set forth on the quote annexed hereto in the amount of \$1,200.00; 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 #160 - Lake Carmel – Reappoint Water Safety Instructor

On a motion by Councilwoman Osborn
Seconded by Councilman Denbaum
Resolved: Kevin Platt was reappointed as Water Safety Instructor for the Lake Carmel Park District.
Motion carried unanimously

Resolution #161 - Lake Carmel –Appoint Head Lifeguard

On a motion by Councilman Tierney
Seconded by Councilwoman Osborn
Resolved: Theresa Savio was appointed Head Lifeguard for the Lake Carmel Park District.
Motion carried unanimously

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Resolution #162 - Readvertise for Cleaning Service Bids

On a motion by Councilman Tierney
Seconded by Councilwoman Osborn

WHEREAS, on March 24, 2015 the Town of Kent authorized the Town Clerk to advertise for bids for cleaning services for the Town of Kent Town Hall, Library, Police Department and Highway Department, and set the bid opening day of May 2, 2015; and

WHEREAS, no bids were received by May 2, 2015;

WHEREAS, the Town of Kent wishes to advertise again for bids for cleaning services for the Town of Kent Town Hall, Library, Police Department and Highway Department; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes its Town Clerk, Yolanda D. Cappelli, to advertise for bids for cleaning services for the Town of Kent Town Hall, Library, Police Department and Highway Department, due Friday, May 29, 2015 at noon.

Motion carried unanimously

Resolution #163 - Homeland Towers Assignment

On a motion by Councilman Tierney
Seconded by Councilman Denbaum
Resolved: Homeland Tower Assignment was tabled.
Motion carried unanimously

Resolution #164 - Approve Vouchers and Claims ~~Rescinded by Resolution #166~~

On a motion by Councilman Huestis
Seconded by Councilwoman Osborn
Resolved: All Vouchers and claims submitted by:

1. Arkel Motors	\$3,642.98	Auto Parts
	\$3,043.49	
2. Boyd Artesian Well Co.	\$2,472.50	Water Pump
3. City Carting	\$5,517.49	Lake Carmel Garbage
	\$5,913.04	
4. Timothy J. Curtiss, P.C.	\$2,551.50	March 2015 Traffic
	\$4,830.00	March 2015 General
5. Danbury Auto Spring	\$2,787.78	Highway Truck #41
	\$4,182.87	Highway Truck #23
6. General Code	\$5,508.17	Code Update
7. Hogan & Rossi	\$5,416.67	May 2015
8. Home Depot	\$2,743.20	Leaf Bags
9. Konica Minolta	\$2,114.75	Copier Lease
10. NYSEG	\$3,355.77	Electric: Police Station
11. NYSID Imaging & Microfilm Access, Inc.	\$27,270.00	Grant
12. Rohde, Soyka & Andrews	\$9,249.41	Salt Storage
13. Spain Agency	\$79,243.65	Installment
	\$2,371.60	Ford Interceptor
14. Zeager Brothers, Inc.	\$2,678.54	Wood Carpet

may be paid.

Roll Call

Councilman Denbaum – aye Councilwoman Osborn – aye

Councilman Huestis – aye Councilman Tierney- nay

Supervisor Fleming – nay

Motion carried

Resolution #165 - Add Vouchers to the Agenda

On a motion by Councilman Denbaum
Seconded by Councilman Huestis
Resolved: Vouchers was added to the agenda.
Motion carried unanimously

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Vouchers

Councilman Denbaum asked if there is a basis for voting no. Councilman Tierney replied Hogan & Rossi's bill does not have backup that meets his satisfaction. Supervisor Fleming said the March General Voucher for Tim Curtiss in the amount of \$4,830 is missing page one. Town Counsel Tagliafiero explained an email was sent with the backup.

Resolution #166 - Rescind Approval of Vouchers

On a motion by Councilman Denbaum

Seconded by Councilman Tierney

Resolved: The approval of the May 5, 2015 vouchers was rescinded.

Roll Call:

Councilman Denbaum – aye Councilwoman Osborn – nay

Councilman Huestis – nay Councilman Tierney – aye

Supervisor Fleming – aye

Motion carried

Resolution #167 - Add the Removal of Hogan & Rossi Voucher

On a motion by Councilman Tierney

Seconded by Councilman Denbaum

Supervisor Fleming said the contract signed with Hogan & Ross was for a \$65,000 retainer to be paid in equal monthly installments, the fact someone didn't see a breakdown should not prevent the board from paying its obligations, she said. Councilman Tierney spoke with Mr. Rossi who did not have a problem with a one liner so the board could be aware of what was worked on, information is not being shared.

Resolved: The removal of Hogan & Rossi Voucher was added to the agenda.

Roll Call:

Councilman Denbaum – aye Councilwoman Osborn – aye

Councilman Huestis – aye Councilman Tierney- aye

Supervisor Fleming – aye

Motion carried unanimously

Resolution #168 - Remove Hogan & Rossi Voucher for Payment

On a motion by Councilman Tierney

Seconded by Councilman Denbaum

Resolved: The Hogan & Rossi Voucher be removed from the voucher list for payment.

Roll Call:

Councilman Denbaum – aye

Councilwoman Osborn – nay, she already expressed to the Supervisor she would like to see some sort of backup for the vouchers. A few lines is not much to ask for.

Councilman Huestis – nay, he thinks the message has been sent and a breakdown will be received, they are doing a good job, we have an annual contract, if we have questions, Nancy will be here to answer.

Councilman Tierney - aye

Supervisor Fleming – nay

Motion not carried

Resolution #169 - Add the Removal of Timothy Curtiss March 15th General from the Voucher list

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Councilman Huestis asked why. Supervisor Fleming said it doesn't have backup.

Resolved: The removal of Timothy Curtiss March 15th General was added to the agenda.

Motion carried unanimously

Resolution #170 - Remove Timothy Curtiss March 15 General from Voucher List

On a motion Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: The Timothy Curtiss, March 15, 2015, General be excluded from the voucher list for payment.

Roll Call:

Councilman Denbaum- aye

Councilwoman Osborn – nay, if we do not have the backup he will provide it, he has worked for the town for many years; obviously it is an office error.

Councilman Huestis-nay

Councilman Tierney thinks it hypocritical that people do not want to pay a voucher because there is no backup, there are two pages of backup, and one is missing. He observed a voucher with no backup whatsoever but we will

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pay that one. He doesn't want to pay either one until they have the proper backup. If we are going to be consistent let's be consistent and voted - aye

Supervisor Fleming – said it is not hypocritical in the sense that she works on a daily basis with Hogan & Rossi, and knows all the issues, again our contract calls for a flat fee retainer it is not hourly and votes -aye

Motion carried

Resolution #171 - Approval of Vouchers

On a motion Councilman Denbaum

Seconded by Supervisor Fleming

Resolved: Resolved: All Vouchers # 200132970 - # 200133145 and claims submitted by:

1. Arkel Motors	\$3,642.98	Auto Parts
	\$3,043.49	
2. Boyd Artesian Well Co.	\$2,472.50	Water Pump
3. City Carting	\$5,517.49	Lake Carmel Garbage
	\$5,913.04	
4. Timothy J. Curtiss, P.C.	\$2,551.50	March 2015 Traffic
5. Danbury Auto Spring	\$2,787.78	Highway Truck #41
	\$4,182.87	Highway Truck #23
6. General Code	\$5,508.17	Code Update
7. Hogan & Rossi	\$5,416.67	May 2015
8. Home Depot	\$2,743.20	Leaf Bags
9. Konica Minolta	\$2,114.75	Copier Lease
10. NYSEG	\$3,355.77	Electric: Police Station
11. NYSID Imaging & Microfilm Access, Inc.	\$27,270.00	Grant
12. Rohde, Soyka & Andrews	\$9,249.41	Salt Storage
13. Spain Agency	\$79,243.65	Installment
	\$2,371.60	Ford Interceptor
14. Zeager Brothers, Inc.	\$2,678.54	Wood Carpet

In the amount of \$221,298.34 may be paid.

Motion carried unanimously

Public Comment

Mr. Scalfani an owner of property in the Sewer District had concerns about his billing in the Sewer District, he is being billed for 5 units, 5 toilets, sinks and tubs, he has no building on the property, he visited the Assessor and his assessment has remained the same. He is paying \$4,200 a year for a system he is not in. He said the town cannot deliver it is a theft of service. Councilman Denbaum explained the allocation of flow to everyone within the district. He said the only way to get out of the Sewer District is to get an exemption, the exemption will be taken up at the May 11 Sewer District Committee meeting and will give an advisory opinion to the Town Board. He said the concern is the purpose of the district is to allow Commercial development, the fact you have vacant land not improved may or may not be a reason to exclude you, if you get excluded you have no flow, no ability to hook back into the district, that land potentially can never be brought back in. The fact that you have commercial land that may or may not be improved yet may not be a reason to exclude you. If you get excluded you'll have no flow, no ability to hook up back into the district, that land can potentially never be brought back in. You would have 5 parcels completely unbuildable, worthless and have no value. There are concerns letting someone out within the district. He is preparing him for the reality of the situation. Councilman Tierney asked about the foundation. Mr. Scalfani replied everything was removed. He said he can never be denied the sewer district, as soon as you took money from DEC, DEP there is a connection, he is in the system whether you like it or not, when he hooks up is when he gets billed, you cannot charge him a rate, it has nothing to do with a flow in or out. He has a lateral going to the property; he cannot pay for something on a play of words. Councilman Denbaum explained flow; he said the only way he cannot be charged is by taking away his flow. Mr. Scalfani said he has been allocated, he said do not think that you will be the only treatment plant, he said not to worry about the flow it will be there. Supervisor Fleming thought his situation is unusual, the vacant properties were not supplied a lateral, since the other property is not on line and not a problem with the flow maybe an accommodation could be made to diminish the bill, obviously you were supplied with a benefit other vacant commercial properties were not; the board has not dismissed your application rather has not come to a conclusion. Mr. Scalfani would like the \$4,200 back; he has an appointment with an attorney. Councilman Denbaum explained this came up at the sewer district meeting and these were concerns, he doesn't know why Insite gave your vacant property an allocation opposed to other vacant properties.

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Resolution #172 - Adjournment

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: The Town Board meeting of May 5, 2015 adjourned at 9:30 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli