

## TOWN BOARD MEETING/WORKSHOP MAY 19, 2015

A regular meeting was held on Tuesday, May 19, 2015 at 6:00 p.m. at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York, 10512.

### **Resolution #173 - Open Meeting & Adjourn to Executive Session**

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: The meeting of May 19, 2015 opened at 6:05 p.m. and immediately adjourned to executive session to discuss matters relating to collective negotiations pursuant to article fourteen of the civil service law; discussion regarding proposed, pending or current litigation; the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Motion carried unanimously

### **Resolution #174 - Adjourn Executive Session**

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: At 7:15 p.m. executive session adjourned and the workshop meeting resumed.

Motion carried unanimously

### **Stormwater Annual Report**

Bruce Barber of Comerstone the Town's Stormwater & Wetland Consultant, presented his 12<sup>th</sup> Stormwater report which he has been generating from 2003 with other municipalities in New York State. The Town became an MS4 or Municipal Separate Storm Sewer System and was required to obtain a permit through New York State Department of Environmental Conservation ("DEC") for the discharges of storm water. In 2003 Kent received a 5 year permit it's been extended and each permit cycle they have a little more for us to do. The report is required to demonstrate the Town is compliant. There are 6 minimum measures the Town maintains compliance with. In addition to the DEC requirements, the fact that the Town predominately located in the NYC DEP Watershed has these heightened East of Hudson requirements basically to do with a reduction in phosphorus discharge to the receiving orders and reservoirs of the City of New York. The Town Board has in front of them a compilation of the hard work of the Town Departments throughout the year. This is reflective of work done by many, as part of the strong ordered team in the Town including the Highway Dept., Parks & Recreation Department, Planning Department, Building Department, Town Clerk's Office and Supervisor's Office there are many responsible who keep the Town in compliance.

Minimum Measures #1 is called Public Education and Outreach where the Town is required to provide information and training regarding stormwater management, pollutant loading stormwater and heighten phosphorus requirements. Through the process of monthly consultants' meetings they've met with several contractors and design professionals on a regular basis and in the process were able to train them and provide additional information for contractors on stormwater. There were 14 such occasions last year, they have 2 kiosk locations and 68 people present at various events and presentations, 288 brochures were disseminated to the public during the reporting period from March 2014 to March 2015. The Town maintains as a part of their public education process a webpage accessible from the Town's website. There's 4 short movies about different aspects of stormwater management, updated information, residency requirement and certain other links that residents can go to if they wanted additional information about storm water.

Minimum Measures #2 is called Public Involvement and Participation; this is an opportunity for residents to talk to the Town Board, staff and others about the stormwater program and ask questions. Tonight's presentation is part of that public involvement giving the public an opportunity to hear the efforts of the Town and ask questions. In addition, they have a monthly meeting which is called the consultants' meeting which gives any residents an opportunity to attend and ask questions about the process within the Town of Kent. There were 44 such events and 212 people were present throughout the year at various meetings. There have been monthly meetings, Town Board Meetings and discussions where the public has been present discussing projects going over stormwater management and given participation opportunities.

Minimum Measures #3 is Illicit Discharge Detection and Elimination which has to do with discharge and detection; these are typically pipe discharges that may come from a variety of sources like a washing machine inadvertently piped to an area that is not part of the septic system the discharge goes into the receiving waters; often times it may be an old floor drain in a garage or building that discharges unwanted materials. The effort is to detect these discharges and correct them. The Highway Dept. in their normal inspection process of looking at all the swells and catch basins are able look at pipes and other discharges and make determinations as to whether or not we need additional testing and if indeed its illicit discharges. He said as part of illicit discharge detection for Minimum Measures #3 the Highway Dept. is looking at what is called the outfall, these are the end of pipes where there are a collection of water stormwater infrastructure and finally one pipe will discharge to receiving water like a wetland or stream. The Town is required to inspect a minimum of 20% of outfalls. All these outfalls have been mapped and are now on geographic information system mapping (GIS). Last year the Highway Dept. inspected 212 outfalls, during dry weather conditions, during rain, curtain drains are discharging during rain events but if it's a dry condition and we have discharge that makes it more suspicious that it's something other

than ground water and maybe a little illicit discharge. That is why it is a requirement to inspect them at that particular time. During the time period there were 3 actual illicit discharges that were suspected, 2 were confirmed and 2 were removed; one was a family septic system and one was a washing machine discharge.

Minimum Measures #4 and 5 has to do with review of stormwater management, permitting and designs. The Town has adopted laws that have been required by the DEC for stormwater permitting, illicit discharges and septic systems maintenance. The system in place for all the erosion control permitting is reviewed by the Town Engineer and Building Inspector's Office. Last year there were a total of 11 stormwater pollution prevention plans reviewed. With respect to enforcements we also have to, on the other end, make sure that the plans are put into effect. There was 1 notice of violation, 1 stop work order and 3 enforcement actions undertaken during the reporting period. Minimum Measures Control #5 has to do with post construction storm water management. You can see it, as you come into Town Hall, those are basins and storm water runs, purposely there to capture and treat storm water before it's discharged. The Highway Dept. inspected 45 open channels last years and cleaned 25 of them as part of their maintenance program. There was a training on September 20th, 2014, it was different training, talking about wetlands as it relates to land development and protection of wetlands as well as storm water. The Highway Dept. gave information about how many parking lots were swept and this makes it the Sixth Minimum Measures, which is called housekeeping. There were 8 acres of parking lot swept, 212 road miles swept, 500 catch basins inspected and cleaned as necessary, 3 post construction practices maintained, there were no phosphorus applied to the fields, there was 65 pounds of chemicals fertilizers in form of nitrogen applied. The last part of the annual report has to do with compliance with the heightened measures again. The Town complied with the requirements with DEC regarding the heightened phosphorus requirements, one way we're doing that is through our partnership with EOH Corporation. Basically, that is a municipal agreement with 19 villages, towns and Putnam County to install stormwater retrofits in heightened intensity development areas. The Town of Kent has had several installed as has many communities. This is a partnership in essence to reduce the kilogram requirement from DEC which is 459% for this reporting period and to spread that throughout the entire regional watershed and also for maintenance in the future and have it be done on a regional more cost effective and meaningful way. He reported Kent has always had an excellent storm water program and he again thanked those who participated in the program.

He asked if there were any questions, there were none. He asked the Board to authorize the Supervisor to execute the Stormwater Plan as it needs to be submitted to DEC offices no later than June 1<sup>st</sup>, 2015.

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

#### **Public Comment**

None

**Pledge of Allegiance** - At 8:20 p.m. the Supervisor called the meeting to order with 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 Tagliaferro of Hogan and Rossi, Police Chief Alex DiVenieri, Building Inspector Bill Walters and Recreation Director Lou Fernandez.

#### **Resolution #175 - Highway Department - Advertise Motor Equipment Operator**

On a motion by Councilman Denbaum

Seconded by Councilman Huestis

Resolved: The Town Clerk is authorized to advertise for a Highway Motor Equipment Operator.

Motion carried unanimously

#### **Resolution #176 - Award Inflatables for Kent Community Day**

On a motion by Councilman Denbaum

Seconded by Councilwoman Osborn

**WHEREAS**, the Town of Kent would like to have attractions at Kent Community Day, scheduled for Saturday, September 12, 2015 at the Edward Ryan Memorial Park in Kent, New York; and

**WHEREAS**, in accordance with the Town's Procurement Policy, the Town made requests for quotes for inflatable amusements for Kent Community Day, and received 6 written quotes in response to such request, a summary of which is annexed hereto and incorporated herein by reference; and

**WHEREAS**, New England Bounce About of Brookfield, Connecticut, has submitted the second lowest quote, overall but with the largest amount of inflatable amusements, in the amount of \$5,683.78, which amounts to a cost per amusement of \$473.65, which is the lower cost per amusement; and

**WHEREAS**, the Director of Recreation and Parks has recommended the acceptance of the quote from New England Bounce About, and the Town Board of the Town of Kent wishes to accept the recommendation of the Director of Recreation and Parks;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts the quote of New England Bounce to supply inflatable amusements on Kent Community Day for the price set forth in the summary attached hereto in the amount of \$5,683.78 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 #177 - Recreation Department - Advertise for Assistant Position**

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

Resolved: The Town Clerk is authorized to advertise for a PT Recreation Assistant.

Motion carried unanimously

**Resolution #178 - Accept Quote for Beach Sand**

On a motion by Councilman Tierney

Seconded by Councilwoman Osborn

**WHEREAS**, the Town of Kent has determined there is a need for beach sand within the Lake Carmel Park District; and

**WHEREAS**, in accordance with the Town's Procurement Policy, the Town made requests for quotes for 70 yards of sand with delivery, and received 3 quotes in response to such request, a summary of which is annexed hereto and incorporated herein by reference; and

**WHEREAS**, Stroker Trucking of Middle Island, New York has submitted the lowest quote in the amount of \$2,800; and

**WHEREAS**, the Town of Kent wishes to accept the quote of Stroker Trucking;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts the quote of Stroker Trucking for 70 yards of sand, delivered, for the price set forth in the summary attached hereto in the amount of \$2,800.00 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.

Poll Vote:

Councilman Denbaum - abstain      Councilwoman Osborn - aye

Councilman Huestis - aye      Councilman Tierney - aye

Supervisor Fleming - aye

Motion Carried.

**Resolution #179 - Lake Carmel Park District Summer Employees 2015**

On a motion by Councilman Tierney

Seconded by Councilman Huestis

Resolved: The Town Clerk is authorized to advertise for summer employees.

Motion carried unanimously.

**Resolution # 180 - Authorize Acceptance of Proposal for Violations - 33 Ticonderoga Rd, TM#22.80-1-7**

On a motion by Councilman Tierney

Seconded by Councilman Huestis

**WHEREAS**, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation dated April 27, 2015 (the "Order to Remedy") directing the owner to remove all rubbish, tires, wood, metal and overgrowth of grass, weed and brush from the exterior area of the property identified as 33 Ticonderoga Road, Tax Map 22.80-1-7 (the "Property"); and

**WHEREAS**, the Order to Remedy required the owner of the Property to remove the debris and overgrowth from the exterior area of the Property or submit a written request to the Code Enforcement Officer for a hearing to discuss remedial action to abate said violation within ten days; and

**WHEREAS**, to date, the owner of the Property has not corrected the violation as required by the Order to Remedy, nor submitted the required written request to the Code Enforcement Officer to discuss remedial action to abate the violation; and

**WHEREAS**, pursuant to Chapter 55A of the Town Code of the Town of Kent regarding "Property Maintenance", upon the failure, neglect or refusal of any owner to comply, the Building Inspector is authorized to correct a violation or cause such violation to be corrected subject to the approval of the Town Board; and

**WHEREAS**, the Town Board wishes to authorize the Building Inspector to correct the violation and the costs of such correction will be charged to the property owner; and

**WHEREAS**, consistent with the Town's Procurement Policy, the Town of Kent obtained written proposals from contractors to correct the violation on the Property, copies of which are annexed hereto and incorporated by reference; and

**WHEREAS**, Putnam Handyman Construction of Carmel, New York has submitted the lowest proposal; and

**WHEREAS**, the Town Board of the Town of Kent wishes to accept the proposal submitted by Putnam Handyman Construction in the amount of \$1,800.00;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts the bid of Putnam Handyman Construction for the correction of the violation on the Property; 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; and it is

**FURTHER RESOLVED**, that the actual cost of the correction of the violation, plus the accrued legal rate of interest per annum from the date of completion of the work, if not paid by the property owner, shall be charged to the property owner by the Town in accordance with Chapter 55A-12(B). Motion carried unanimously

**Resolution #181 - Hire Special Prosecutor**

On a motion by Councilwoman Osborn

Seconded by Supervisor Fleming

**WHEREAS**, the Town of Kent is currently prosecuting Case No. 14-120176 (the "Case"), from which case the Town Prosecutor, Timothy Curtiss, Esq. has recused himself; and

**WHEREAS** there is a need to appoint another attorney to continue the prosecution of the Case; and

**WHEREAS**, the Town Board of the Town of Kent wishes to hire Joseph Charbonneau, Esq. as Special Prosecutor to prosecute the Case on behalf of the Town of Kent; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes the hiring of Joseph Charbonneau, Esq. as Special Prosecutor to prosecute the Case at a rate of pay of \$175 per hour; 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 #182 - Award the Cemetery Mowing Contract**

On a motion by Councilwoman Osborn

Seconded by Councilman Denbaum & Huestis

**WHEREAS**, the Town of Kent duly advertised for bids the mowing and cleanup services for Town of Kent Cemeteries; and

**WHEREAS**, bids were received in response to the advertisement and the bids were opened and publicly read at the Kent Town Center on May 15, 2015; and

**WHEREAS**, Taconic Landscaping of Carmel, New York submitted a bid in the amount of \$5,000.00 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 Taconic Landscaping for the mowing and cleanup of Town of Kent cemeteries; 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 #183 - Supervisor to Sign Homeland Towers Assignment**

On a motion Councilwoman Osborn

Seconded by Councilman Tiemey

**WHEREAS**, the Town, as Landlord has entered into three Site Lease Agreements with Homeland Towers, LLC as Lessee for sites within the Town of Kent, specifically, (i) 146 Ressique Street, Kent, New York (Kent Landfill); (ii) 25 Sybil's Crossing, Kent, New York (Town Hall); and (iii) Smokey Hollow Court, Kent New York (Kent Garage) (collectively, the "Site Lease Agreements");

**WHEREAS**, Homeland Towers, LLC wishes to assign its interests in the three above referenced Site Lease Agreements to Insite Towers Development, LLC; and

**WHEREAS**, pursuant to the Site Lease Agreements, Homeland Towers may not assign its rights pursuant to the Site Lease Agreements without the consent of the Town Board of the Town of Kent; and

**WHEREAS**, the Town of Kent Town Board has determined the proposed assignment to Insite Development, LLC is consistent with the terms and conditions of the Site Lease Agreements and wishes to consent to the proposed Assignment; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby consents to the assignment of the following site lease agreements from Homeland Towers, LLC to Insite Development, LLC:

146 Ressique Street, Kent, New York (Kent Landfill);

25 Sybil's Crossing, Kent, New York (Town Hall); and

Smokey Hollow Court, Kent New York (Kent Garage) the Site Lease Agreements;

**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.

Poll Vote:

Councilman Denbaum - nay

Councilwoman Osborn - aye

Councilman Huestis - aye

Councilman Tierney - aye

Supervisor Fleming - nay

Motion Carried

**Resolution #184 - Add Item to the Agenda**

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: Authorize the Supervisor to sign the 2015 Annual Stormwater Report was added to the agenda.

Motion carried unanimously.

**Resolution #185 - Annual Stormwater Report**

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: The Supervisor is authorized to sign the 2015 Annual Stormwater Report.

Motion carried unanimously.

**Resolution #186 - Vouchers & Claims**

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: Voucher #200133168 - #200133312 and claims submitted by:

1. Beyer Ford	\$72,373.18	Ford Explorer, Ford Taurus
2. City Carting	\$5,606.25	Lake Carmel Garbage
3. Timothy J. Curtiss, P.C.	\$3,321.00	L. Roberts Jan-March 2015
	\$4,830.00	March 2015 General
4. Extreme Designs	\$3,700.77	Jerseys
	\$2,810.55	Jerseys
5. KVS Information Systems, Inc.	\$2,736.08	Quarterly Installment
6. Meadowland of Carmel	\$2,531.80	Auto Parts
7. Medicare Reimbursements	\$16,784.00	2nd Quarter Reimbursements
8. NYCOMCO	\$2,622.00	2 Way Radio: Police
9. NYS Dept. of Civil Service	\$173,492.43	Health Insurance May 2015
10. O'Connor Davies, LLP	\$9,000.00	Auditors
11. Purchase Power	\$2,000.00	Postage
12. Royal Carting	\$4,562.81	Recycling Garbage
13. Michael Senno	\$3,214.72	Reimbursement for Prepaid Ins.
14. State Comptroller	\$26,082.00	Justice Court Fines & Fees
15. Town of Kent Municipal Repair	\$5,191.63	Chargebacks: Police
	\$4,771.93	Chargebacks: Lake Carmel Sanitation
	\$19,115.49	Chargebacks: Highway
16. Windstream	\$3,665.73	Telephone Service

In the amount of \$ 411,829.81 may be paid.

Motion carried unanimously

**Correspondence**

Attached

**Public comment**

None

**Resolution #187 - Adjournment**

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The Town Board meeting of May 19, 2015 adjourned at 8:35 p.m.

Motion carried unanimously.

Respectfully submitted,

Yolanda D. Cappelli  
Town Clerk

2015 Kent Community Day - Inflatable Attractions Breakdown						
<b>Company Address City, State Zip</b>	Send in The Clowns 50 Nassau Terminal Rd Hyde Park, NY 11040	Funtime Amusements 1761 Front Street Yorktown Hts, NY 10598	New England Bounce About 2 Sand Cut Road - Unit 4 Brookfield, CT 08804	Dave's Cast of Characters 20 Cottage Place New Rochelle, NY 10801	PartyTime Rentals 939 Route 376 Wappingers Falls, NY	Just 4 Fun 1707 Route 6 Carmel, NY 10512
<b>Phone</b>	(516)-354-1515	(914)-773-1320	(203)-364-0078	(914)-235-7100	(845)-226-4FUN	(845)-226-2003
<b>Rank</b>						
<b>Price</b>	\$5,875.00	\$5,005.00	\$5,683.78	\$5,785.50	\$5,887.50	\$5,817.13
<b>Price per Item</b>	\$979.16	\$556.11	\$473.65	\$723.18	\$588.75	\$831.01
<b># of Inflatables</b>	6	9	12	8	10	7
<b>Attraction Name and Size</b>	Nick Toons Club	Velcro Olympics	Dragon Castle	Cliffhanger Slide 33' L x 20' W x 27' H	Trackless Train (3 cars + locomotive = 19 passengers)	All in one Sports Arena 16'x39'
<b>Attraction Name and Size</b>	7 Element Obstacle	5-in-1 Batman Activity Unit 18' L x 18' W	Bungee Run	Fire Truck Slide	Giraffe Bounce	Jungle Tunnel (5 & under) 20' x 30'
<b>Attraction Name and Size</b>	Animal Kingdom	5-in-1 Themed Activity Unit	Crash Course Obstacle Course	Batman Challenge	Morphy Venture Play 32' L x 16' W x 16' H	Caterpillar Craze 28' x 10'
<b>Attraction Name and Size</b>	Hard Rockwall with Belays	Trackless Train w/ Conductor	Marlin Splash Slide	4-Player Joust 24' L x 20' W x 6' H	Animal Ark 40' L x 17' W x 15' H	Farmland Fun Center Inflatable 21'4' L x 24'W x 11'4' H
<b>Attraction Name and Size</b>	Helicopter	Inflatable Train Station 20'L x 27' W	Stage Coach	Adrenaline Rush	Dual Lane Castle Combo	Fire Truck Slide 11' x 20' x 22'
<b>Attraction Name and Size</b>	Trackless Train	Airplane Toddler Ride	UFO Combo	Bouncer 15' L x 15' W x 13' H	20' Dual Lane Slide	Kids Korner Obstacle Course 21' x 24'
<b>Attraction Name and Size</b>		Superslide	Pipeline Wet/Dry Slide	Dora Playcenter	Fun Derby Races	Joust 24' x 16'
<b>Attraction Name and Size</b>		Inflatable Basketball w/4 Balls 15' L x 15' W x 15' H	Princess Carriage	The Buccaneer	Double Rush 22' H	
<b>Attraction Name and Size</b>		4 Player Wrecking Ball	Pirate Combo 4-1		Last Man Standing	
<b>Attraction Name and Size</b>			Frozen 5 in 1		Leaps & Bounds	
<b>Attraction Name and Size</b>			Fun Express Train			
<b>Attraction Name and Size</b>			Toddler Jungle Fun			

4/24/2015

**Beach Sand for Lake Carmel Park District  
Cowbay Sand 1 mil - 70 yards total**

	<u>\$ Amount Per Yard/Ton</u>	<u>Total # of Yards</u>	<u>Total \$/Delivered</u>
James Belsha Stroker Trucking	\$40/Yard	70 yards	\$2,800.00
Package Pavement	Loose Sand Conversion Rate: 1.21152 1.21152 Ton = 1 Yard 84 tons divided by 1.21152 = 69.334 yards	\$40/Ton 84 tons or 69.334 yards	\$3,360.00
Clearwater Excavating	\$62.75/Yard	70 yards	\$4,763.07