

## TOWN BOARD MEETING/WORKSHOP JULY 7, 2015

A regular meeting was held on Tuesday, July 7, 2015, at 6:00 p.m. at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York, 10512.

### **Resolution #222 - Open Meeting & Adjourn to Executive Session**

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: The meeting of July 7, 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 #223 - Adjourn Executive Session**

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: At 7:15 p.m. executive session adjourned.

Motion carried unanimously

### **Public Hearing – Business Tax Exemption Law**

Supervisor Fleming read the notice of hearing to those present. She asked for public comment there was none. Councilman Denbaum explained under the Business Tax Exemption Law any new commercial construction business type enterprises that are improved on or built will receive a 50% exemption on their town taxes for the first year, 45% the second year and then decreases over the period of ten years. If you build a commercial building in the Town of Kent and get an assessment based on its value you only pay half of those taxes, and less taxes going forward for ten years. If you invest in Kent you will do so at a discount. Hopefully as the Sewer District comes further along and vacant lots are built upon business will take advantage of this bringing more business and development to our commercial sector. Councilwoman Osborn said it came to her attention some business's like the cleaners in Lake Carmel and the print shop made improvements, she asked if they would be eligible. Councilman Denbaum said the State Law which we are mimicking as long as you have improved the property since 1992 and can show the improvement raised your assessment a specific amount you are allowed an exemption on that improvement. He said when the Kent Cleaners gets a building permit they will get a new assessment and they would be able to apply for the business exemption based upon that assessment increase. He does not believe the print shop would be able to because there is no increase in assessment. He believes since they have been there since 2008 there is no correlation between the increase in taxes and the investment. He said the law is in place in a scaled back version which they could of applied for, which they didn't. Supervisor Fleming reported that Bill Nulk, of the Chamber of Commerce stated they were fully behind the passage of this. Supervisor Fleming asked the hearing remain open to allow for comment and people to weigh in on this, and asked comments to be received by the 17<sup>th</sup> of July.

### **Resolution #224 – Adjourn Public Hearing – Business Tax Exemption Law**

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: The public hearing on Local Law # \_/2015/Business Tax Exemption Law was adjourned to July 21, 2015.

Motion carried unanimously

### **CAC Butterfly Count Presentation**

Beth Herr, Chairperson of the CAC explained since 1976 under the Town Code, the CAC has been in charged with having public programs and an inventory of natural resources within our town. The Butterfly Count accomplishes both goals. Butterflies are beautiful and are the canaries of the environment they have two life cycles, caterpillar and butterfly, they have different stresses on both cycles and can be an indicator of an eco system's health. She said it's so important that there is a National and North American Butterfly Association that holds counts around the weekend of July 4<sup>th</sup> which they will team with. The butterflies they find will be entered into that data base, becoming a larger citizen science project. We will learn how the monarch butterfly numbers are doing, how are butterflies responding to climate change and what are the different stresses that might impact that. By attending the event you will learn about the life cycle of the butterfly, the difference between moths and butterflies, and the 100 different species. We will look for eggs and caterpillars. They will be meeting at the Nimham Multiple use area at 10:00a.m. on July 18<sup>th</sup>. and caravanning to other meadow sites. She asked those who would like to attend to preregister by calling 845/228-5635 and to obtain further information visit kentcac.info website.

### **Workshop**

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

### **Public Comment**

John Haran of Hamilton Drive approached the board with an idea. He said when this campus was built a temporary road was installed coming out on Livingston Drive. He proposed that the overgrown road that still exists, be weeded out, paved and turned into a walking and biking path. The residents and children of the community can visit the Library and campus without having to drive or walk along Route 52. He presented Google satellite photographs to see the path approximately a mile long. He has the support of the residents in the neighborhood. Councilman

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Denbaum stated the board needs to establish that it is town property. Councilman Huestis thought there was also another access by Filers Acre into the proposed senior center but a concern was the stream and DEC. He believes there is significant town property there, if the idea moves forward we do have Eagle Scouts who are interested in projects, this could be a project for them. He expressed concerns about vandalism but could be a possibility. Mr. Haran demonstrated the outlined area, large trucks were using the road, if a stream was present they must have had a bridge, if large trucks were able to go through a police vehicle certainly could. Councilman Tierney thought it looks like the area where there is a retention pond and the library's generator. Councilman Denbaum suggested the CAC be involved.

### **Pledge of Allegiance**

At 8:10 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, Highway Superintendent Rich Othmer, Police Chief Alex DiVernieri and Chairperson of the Kent Conservation Advisory Committee Beth Herr.

### **Resolution #225 - Set Public Comment Period for Business Tax Exemption Law**

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

Resolved: The town will accept public comment for the Business Tax Exemption Law until July 17, 2015.

Motion carried unanimously

### **Resolution #226 - Reject and Re-Advertise for Bids Reinforced Steel Poured Concrete Material Bins**

On a motion by Councilman Denbaum

Seconded by Councilwoman Osborn

WHEREAS, the Town of Kent previously advertised a Notice To Bidders seeking bids for Reinforced Steel Poured Concrete Material Bins to be used by the Highway Department in the Town of Kent; and

WHEREAS, three bids were received in response to the advertisement, which bid was opened on July 2, 2015 in accordance with the Notice to Bidders; and

WHEREAS, each of the bid proposals failed to include the Statement of Non-Collusion, and each of the bid proposals were not in a clearly marked envelope and were delivered to the wrong Town department; and

WHEREAS, the Instructions to Bidders specifically advised that the Town required a Statement of Non-Collusion, a clearly marked envelope and delivery to the office of the Town Clerk; and

WHEREAS, the Notice to Bidders specifically advised that the Town reserved the right to reject all bids and re-advertise for new bids; and

WHEREAS, the Town Board of the Town of Kent wishes to reject the bids for Reinforced Steel Poured Concrete Material Bins and authorize its Town Clerk, Yolanda D. Cappelli, to re-advertise for bids for Reinforced Steel Poured Concrete Material Bins to be used by the Highway Department of the Town of Kent;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby rejects the bid which was opened on July 2, 2015, and authorizes its Town Clerk, Yolanda D. Cappelli, to re-advertise for bids Reinforced Steel Poured Concrete Material Bins to be received and open on Friday July 31, 2015 at noon.

Motion carried unanimously

### **Resolution #227 - Authorizing Purchase of Police Interceptor Utility Vehicle**

On a motion by Councilman Denbaum

Seconded by Councilman Tierney

WHEREAS, the Town Board of the Town of Kent is in receipt of a request dated June 30, 2015 from the Town Chief of Police, Alexander W. DiVernieri, Jr., to purchase one fully equipped 2016 Ford Police Interceptor Utility Vehicle with the canine package a copy of which request with proposed specifications is annexed hereto and incorporated herein by reference; and

WHEREAS, the prior canine vehicle was taken out of service following an accident on June 10, 2015 and the Town Board has determined that there is a need to replace the vehicle; and

WHEREAS, the Town's Procurement Policy exempts from competitive bidding purchase contracts over \$20,000 that are made under certain other contracts pursuant to the General Municipal Law, and subdivision 16 of section 103 of the General Municipal authorizes the Town to purchase equipment or apparatus through contracts let by other states; and

WHEREAS, the specifications annexed hereto indicate the Police Vehicles are being purchased under contracts awarded by the State of Pennsylvania, which authorizes the award of such contracts in a manner consistent with the General Municipal Law; and

WHEREAS, in accordance with the Town's Procurement Policy and the General Municipal Law, the Town Board wishes to authorize the purchase of the Police Vehicles through Contracts Nos. PA COSTARS-013 and PA COSTARS-024 awarded by the State of Pennsylvania;

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NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes and approves the purchase of one 2016 Ford Police Interceptor Utility Vehicle in the amount of \$43,219.77; 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 #228 - Amending Resolution #210 – Summer Employee – Lake Carmel Park District**

On a motion by Councilwoman Osborn

Seconded by Supervisor Fleming

WHEREAS, the Town Board sought to fill a summer position in the Lake Carmel Park District; and

WHEREAS, by Resolution #210 adopted on June 16, 2015, the Town Board authorized the hiring of Daniel Irwin Ferrara as a summer employee of the Lake Carmel Park District at a rate of \$8.25 per hour; and

WHEREAS, as of December 31, 2014, the New York State Minimum Wage is \$8.75 per hour; and

WHEREAS, the Town Board therefore wishes to amend Resolution #210 to hire Daniel Irwin Ferrara as a summer employee of the Lake Carmel Park District at a rate of \$8.75 per hour;

NOW THEREFORE, BE IT RESOLVED, that Resolution #210 is hereby amended to hire Daniel Irwin Ferrara as a summer employee of the Lake Carmel Park District at a rate of \$8.75 per hour; and it is

FURTHER RESOLVED, that Resolution # 210 remains in full force and effect in all other respects; 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 # 229 - Lake Carmel Park District – Hiring of Lifeguards**

On a motion by Councilwoman Osborn

Seconded by Supervisor Fleming

WHEREAS, the Town of Kent is seeking to fill summer positions for lifeguards in the Lake Carmel Park District; and

WHEREAS Lauren Dresner, William Salisbury, Matthew Dougherty, and Jonathan Maiolini, have submitted applications which reflect the proper qualifications to fill the lifeguard positions; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Lauren Dresner, William Salisbury, Matthew Dougherty, and Johnathan Maiolini as lifeguards of the Lake Carmel Park District at a rate of \$9.00 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 #230 - Authorizing Correction of Violation, Acceptance of Proposal & Charge to Property Owner**

On a motion by Councilwoman Osborn

Seconded by Councilman Denbaum

WHEREAS, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation regarding each of the following properties in the Town of Kent:

8 Huntington Road

37 Rhinebeck Road

11 Princeton Road

278 Lakeshore Drive

(the "Properties"); and

WHEREAS, the Order to Remedy required the owners of the Properties to remove 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 Owners of the Properties have not corrected the violations 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 Properties, copies of which are annexed hereto and incorporated by reference; and

WHEREAS, JB Affordable Lawn Care, Inc. of Fishkill, New York has submitted the lowest proposal in the amount of \$50 for the parcels located at 75 Rhinebeck Road and 11 Princeton Road, and in the amount of \$75 for the parcels located at 8 Huntington Road and 278 Lakeshore Drive East; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the proposal submitted by JB Affordable Lawn Care, Inc. for the total amount of \$250;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the bid of JB Affordable Lawn Care, Inc. for the correction of the violation on the Properties; and

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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 each property owner by the Town in accordance with Chapter 55A-12(B). Subject to the condition that a minimum of ten days has passed since the issuance of the Notice to Remedy.

Motion carried unanimously

### **Resolution # 231 - Add to the Agenda**

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: The following items were added to the agenda; Authorize Tim Curtiss to pursue a court action, the authorization of a 207-C Application, authorize the appointment of a police officer and authorize the filing of a Notice of Appeal, and to authorize the purchase of a server for the Kent Police Department.

Motion carried unanimously

### **Resolution # 232 – Authorization to Pursue a Court Action**

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: Town Attorney Tim Curtiss is authorized to pursue an action against the owners of real property Tax Map#11.13-1-38 at 924 White Pond Colony in the Town of Kent in regard to a deck installed without permit and in violation of zoning regulations of the town.

The Board took a poll vote as follows:

Councilman Denbaum – aye                      Councilwoman Osborn – aye

Councilman Huestis – aye                      Councilman Tierney – nay

Supervisor Fleming – nay

Motion carried

### **Resolution # 233 – Authorization of 207-C Action**

On a motion by Supervisor Fleming

Seconded by Councilman Tierney

Resolved: The 207-C Application of an officer injured in a motor vehicle accident identified as Case 2 was authorized.

Motion carried unanimously

### **Resolution # 234 – Appointment of a Police Officer**

On a motion by Councilman Tierney

Seconded by Councilwoman Osborn

Resolved: The Kent Police Department may hire Jason W. Knapp to the position of Police Officer pending the completion of all Civil Service requirements effective August 3, 2015.

Motion carried unanimously

### **Resolution # 235 – Authorize the Filing of a Notice of Appeal**

On a motion by Councilman Tierney

Seconded by Councilman Denbaum

Resolved: An appeal may be filed in the case of Jones vs. the Town of Kent.

Motion carried unanimously

### **Resolution # 236 – Authorize to Purchase a Server – Kent Police Department**

On a motion by Councilman Tierney

Seconded by Councilman Huestis

Resolved: The Kent Police Department may purchase a server from CDWG at the State Bid price of \$5,961.00 monies are available in their .2 account.

Motion carried unanimously

### **Resolution #237 - Approve Vouchers and Claims**

On a motion by Councilman Huestis

Seconded by Councilman Denbaum

Councilman Denbaum asked if we have always paid that kind of exorbitant fees to the Carmel Central School District. Councilman Huestis replied about 15 years ago the schools established a policy to charge a formula for the use of the gyms and fields, including electric, manpower, heat and anything else in the formula. He recalled the community refused to address indoor facilities for recreation urging the use of the schools. The schools now charge exorbitant fees; gym use and ball fields are very expensive. Councilman Denbaum thought the school district should reconsider their policy, they do a terrible job of managing their money and to charge \$7,700 for the use of a gym to play basketball from another municipal organization from kids that are within their school district is outrageous and they should be condemned.

Councilman Denbaum asked why we are paying money back for the records management grant. Town Clerk replied that is the final payment to the vendor who did the work for the Town.

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Resolved: All Vouchers #200133653 - #200133948 and claims submitted by:

1. Arkel Motors	\$3,505.54	Auto Parts
2. Brady's Power Equipment	\$8,369.50	Scag Mower
3. Cardmember Services	\$6,588.27	Credit Card
4. Carmel Central School District	\$3,775.00	Use of Gym
	\$4,017.00	
5. City Carting	\$5,380.53	Lake Carmel Garbage
	\$5,427.57	
	\$6,390.30	
	\$4,213.45	
6. Timothy J. Curtiss, P.C.	\$5,670.00	May 2015: General
7. Fireworks Extravaganza	\$2,500.00	Final Payment
8. Global Montello Group	\$4,267.00	Gasoline
9. Heritagenergy	\$4,181.00	Diesel
10. Hogan & Rossi	\$5,416.67	July 2015
11. H.O. Penn Machinery	\$4,112.14	Truck Parts
12. Jim Williams Welding	\$3,675.00	Truck #15
13. Navistar	\$124,852.45	International
14. New England Bounce About	\$2,841.89	Deposit for Comm Day
15. NYCOMCO	\$2,622.00	2 Way Radio: Police
16. NYSEG	\$2,749.33	Electric: Police Station
17. NYSID	\$3,202.00	Records Mgt Grant
18. Royal Carting	\$5,581.75	Recycling Garbage
19. Spain Agency	\$68,309.71	Installment
20. State Comptroller	\$32,120.00	Justice Court Fines & Fees
21. Town of Kent Municipal Repair	\$3,640.99	Chargebacks: Police
22. Windstream	\$3,664.05	Telephone Service

In the amount of \$ 459,693.28 may be paid.

The Board took a poll vote as follows:

Councilman Denbaum – aye                      Councilwoman Osborn – aye

Councilman Huestis – aye                      Councilman Tierney – aye

Supervisor Fleming – aye

Motion carried unanimously

**Public Comment**

There was none.

**Resolution #238 - Adjournment**

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: The meeting of July 7, 2015 adjourned at 8:30 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli  
Town Clerk