

TOWN BOARD MEETING/WORKSHOP SEPTEMBER 30, 2015

A regular meeting was held on Wednesday, September 30, 2015, at 6:00 p.m. at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York, 10512.

Resolution #286 - Open Meeting & Adjourn to Executive Session

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The meeting of September 30, 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; 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 #287- Adjourn Executive Session

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: At 7:19 p.m. Executive Session adjourned.

Motion carried unanimously

Workshop

The Lake Carmel Fire Department Chief Bill Walters and Assistant Fire Chief Dave Churchill spoke about past firefighter Richard Hauth and the loss at the Lake Carmel Fire Department. He said he gave service to the department and his community. He started as an Explorer, working with the department at a young age of 14 learning fire fighting skills. He was a member for 32+ years, a very quiet but persuasive man. He went to thousands of calls over his career, performing numerous jobs. He was always a team member. He spoke of an incident saving the life of a 41 year old unconscious victim and as Chief, he managed one of the largest hazardous spills in town. His mother and brother were presented with a plaque recognizing his service, dedication and commitment to the people of the Town of Kent.

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

Public Comment- There was none.

Pledge of Allegiance – At 8:25 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 Tagliafierro of Hogan and Rossi, Police Chief Alex DiVernieri, Building Inspector Bill Walters.

Vote on Teamster Contract

Councilman Huestis made a motion to table this item. He said there is more work to be done, and we are close. A resident stated promises were made that the contract would be voted on tonight. She was not happy with the way the employees of the Highway and Sanitation Department have been treated spending more time on trivial items than the employee's contract. Supervisor Fleming put it on the agenda expecting that it would come to a vote. Explaining the order of business, the workshop comes first and then the meeting. Councilman Denbaum did not know it would be on until he received a copy of the agenda, he is not running for office and has made no promises, it is borderline unethical. He said an hour of each executive session is spent on contract negotiations; they are trying to come to a resolution. Councilman Tierney said until he received the agenda at 2:14 pm he did not know it was going to be on the agenda. Supervisor Fleming thought the board is on point with most issues, there are one or two issues unresolved to some board members

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satisfaction. She was asked to place it on the agenda and thought we could obtain an up or down vote. A board member has a right to make a motion, which hasn't been voted upon. She said it may have taken longer than people would like, but not for lack of effort and concentration on it. Everyone wants the best contract everyone wants our employees to feel appreciated because they are. Councilman Tierney agreed with the remark about a plan. He thought this negotiation was different this time then in the past as the board did not go in with a plan, nor the services of a labor attorney with full disclosure to the entire board. Shop Steward Sean Daly believes some board members were not present at the negotiations for various reasons not because they weren't invited. Councilman Tierney disagreed. Shop Steward Sean Daly has been through 5 or 6 negotiations and thought this one was the least adversary with legal representation not present on both sides without any animosity. Councilman Tierney thought there was past animosity but deals were done in the worse economic times. Supervisor Fleming thought because there was dissatisfaction with the bargaining method, stumbling blocks were made being a disservice to the entire process. The proposal has been on everyone's desk since January, executive session brought different issues. Every team met with preferred this method to negotiate. Joe Sansone, Business Agent for Teamster Local 456 was not involved in negotiations and normally would be. He thought this was resolved and thought we now have to start from scratch with the contract. Supervisor Fleming explained she was clear, she was not sure an item was going to be acceptable, but urged to vote on it. Mr. Sansone having not been involved in negotiations he is not sure even if the board voted yes tonight, the membership may not. He said his membership is not happy and he is not happy. Councilman Huestis apologized that everyone is present tonight, having grown up with most and having a brother a teamster. He explained they are very close, and would hate to see it move backwards. It is a sentence or two, it has to be a balancing act, and he would not want to see this starting over. Councilwoman Osborn said she cares about all the employee's, the problem is with the language. She suggested every member of the town board be present at negotiations. She has three months to her term and wants to see this done, she takes it personally.

Supervisor Fleming said there is a motion to table, do we have a second, and there was no second motion to table.

Motion not carried

Resolution #288 – Vote on Teamster Contract

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: The Teamster Contract as submitted be approved.

Roll Call

Councilman Denbaum – nay

Councilwoman Osborn – aye

Councilman Huestis – nay at this time.

Councilman Tierney – nay

Supervisor Fleming – aye

Motion not carried.

Resolution #289- Release Driveway Bond Perry – 21 Echo Dr, TM#33.27-2-15

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

WHEREAS, in June 2015, a driveway bond was approved and accepted by the Town of Kent from Steven Perry in the amount of \$500 (the "Bond") regarding 21 Echo Road, Tax Map No. 33.27-2-15 (the "Premises:"); and

WHEREAS, Richard Othmer, Highway Superintendent, has inspected the Premises and submitted a report to the Town of Kent Planning Board dated September 14, 2015, which report verifies that the work on the Premises has been completed; and

WHEREAS, Mr. Othmer therefore recommends the release of the Bond being held by the Town of Kent; and

WHEREAS, the Town Board of the Town of Kent wishes to follow the recommendation of Mr. Othmer, Highway Superintendent;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Kent hereby releases the bond in the amount of \$500 to Steven Perry for the property located at 21 Echo Drive.

Motion carried unanimously

Resolution # 290 – Highway Hire Substitute for Snow Removal Services

On a motion by Councilman Denbaum

Seconded by Councilman Huestis

WHEREAS, the Town of Kent wishes to hire an “as needed” substitute for snow removal services in the Highway Department; and

WHEREAS, the Town has received an employment application from George Adams; and

WHEREAS, Richard Othmer, Highway Superintendent, has recommended the hiring of George Adams to work as an “as needed” substitute for snow removal services; and

WHEREAS, the Town Board wishes to accept the recommendation of the Highway Superintendent and hire George Adams;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of George Adams as an “as needed” substitute for snow removal services in the Highway Department subject to a satisfactory background and reference check.

Motion carried unanimously

Resolution # 291 – Authorize Correction of Violation, Acceptance of Proposal & Charge to Owner

On a motion by Councilman Denbaum

Seconded by Councilman Tierney

WHEREAS, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation directing the owners to remove all overgrowth of grass, weed and brush from the exterior area of each of the following properties in the Town of Kent:

8 Wykagyl Court	Tax Map 33.25-1-5
38 Worthington Drive West	Tax Map 33.32-1-52

(the “Properties”); and

WHEREAS, the Order to Remedy required the owner of each 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, more than ten days have elapsed since the service of the Order to Remedy and the owner of the Properties have failed to correct the violations as required by the Order to Remedy, or submit a 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 immediately correct the violations at the Properties and the costs of such correction shall be charged to the property owners;

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 to clear the Properties as follows:

8 Wykagyl Court	\$80
38 Worthington Drive West	\$125

and

WHEREAS, the Town Board of the Town of Kent wishes to accept the proposal submitted by JB Affordable Lawn Care, Inc. in the amount of \$205 as set forth above;

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

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FURTHER RESOLVED, that the actual cost of the correction of the violations, 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).

Motion carried unanimously

Resolution # 292 – Release Erosion Control Bond Lipkin – TM#32.-1-35

On a motion by Councilwoman Osborn

Seconded by Councilman Huestis

Resolved:

WHEREAS, on March 3, 2013 an erosion control bond was approved and accepted by the Town of Kent from Walter Ian Lipkin in the amount of \$3,900 (the “Bond”) regarding 85 Birch Point, Kent, New York (the “Premises:”); and

WHEREAS, the Town’s Engineering Consultant, Rhode Soyka & Andrews P.C., inspected the Premises and submitted a report to the Town of Kent Planning Board dated September 11, 2015, which report verifies that the vegetative growth on the Premises is satisfactory; and

WHEREAS, on September 17, 2015 the Kent Planning Board reviewed the matter and adopted a motion to forward this matter to Town Board with the Planning Board’s recommendation to release the Bond; and

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

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Kent hereby releases the Erosion Control Bond in the amount of \$3,900 to Walter Ian Lipkin for property located at 85 Birch Point, Kent, New York.

Motion carried unanimously

Resolution # 293 – Release Erosion & Sediment Bond–China Barrett HOA/Sedgewood Club Associates TM#42.11-1-8

On a motion by Councilwoman Osborn

Seconded by Supervisor Fleming

WHEREAS, China Barrett HOA/Sedgewood Club Associates (the “Owner”) owns a parcel of land at 810 Golf Ridge Road, Kent, New York 10512, identified as Tax Map No. 42.11-1-8 (the “Lot”); and

WHEREAS, the Planning Board of Town of Kent approved an application from the Owner to construct a stormwater basin for water quality treatment and a closed stormwater runoff conveyance system and related erosion and sediment control, among other things (the “Project”); and

WHEREAS, the Owner posted a performance bond for erosion and sediment control relating to the Project to the Town of Kent in the amount of \$3,659.80, and a performance bond for the stormwater facility in the amount of \$97,540.00; and

WHEREAS, Town Board Resolution No. 447 dated December 16, 2014, authorized the release of the erosion and sediment control bond and also authorized the release of 50% of the performance bond for the stormwater facility in the amount of \$48,770.00, with the remaining balance of \$48,770.00 to be released in August 2015, subject to further Planning Board approval; and

WHEREAS, the Owner has submitted a request that the remainder of the performance bond for the stormwater facility be released; and

WHEREAS the Planning Board, at their meeting held on September 17, 2015 approved Resolution #7 of Year 2015 recommending the release of the remainder of the performance bond for the stormwater facility in the amount of \$48,770.00; and

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

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the release of the remainder of the performance bond for the stormwater facility in the amount of \$48,770.00, relating to the Project.

Motion carried unanimously

Resolution # 294 -Confirming Appointment of Deputy Tax Receiver

On a motion by Councilwoman Osborn

Seconded by Councilman Huestis

WHEREAS, the Town of Kent Receiver of Taxes is authorized to appoint a Deputy Tax Receiver pursuant to Town Law; and

WHEREAS, the Receiver of Taxes has appointed Ellen Mazzei as Deputy Tax Receiver; and

WHEREAS, the Town of Kent wishes to confirm the appointment of Ellen Mazzei as Deputy Tax Receiver;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby confirms the appointment of Ellen Mazzei as Deputy Tax Receiver.

Poll Vote as follows:

Councilman Denbaum – abstain Councilwoman Osborn – aye

Councilman Huestis - aye Councilman Tierney – nay, he wants his vote to reflect it is not on the person, he has not been told any background check was performed.

Supervisor Fleming – aye

Motion carried

Resolution #295 - Accept Resignation & Appoint Member to Lake Tibet Committee

On a motion by Councilman Tierney

Seconded by Councilman Huestis

WHEREAS, the Town of Kent wishes to accept the resignation of Cathy Fabiiti as a member of the Lake Tibet Park District #2 Advisory Board and fill the vacant position formally held by Ms. Fabiiti; and;

WHEREAS, the Town of Kent wishes to appoint Susan Gaita to fill the vacant position on the Lake Tibet Park District #2 Advisory Board;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts the resignation of Cathy Fabiiti and that Susan Gaita be appointed for a term of five (5) years, commencing on September 30, 2015 and terminating on December 31, 2016; 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, consistent with the terms hereof and in such form as is satisfactory to the Town Supervisor and the Town Attorney.

Motion carried unanimously

Resolution # 296 - Table - Accept Insurance Proposal Cyber Coverage

On a motion by Councilman Tierney

Seconded by Councilman Huestis

Resolved: The proposal to accept Cyber Coverage Insurance was tabled.

Motion carried unanimously

Resolution # 297 - Add Item to Agenda

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: Advertise for a part-time Records Management Clerk was added to the agenda.

Motion carried unanimously

Resolution 300 - Advertise for Part-time Records Management Clerk

On a motion by Supervisor Fleming

Seconded by Councilman Tierney

Resolved: The Town Clerk may advertise for a part-time Records Management Clerk.

Motion carried unanimously

Resolution #301 - Add Item to Agenda

On a motion by Supervisor Fleming

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Seconded by Councilwoman Osborn

Resolved: Supply Porta-Johns for the Historical Society's Tag Sale at the town rate of \$65.00 and \$25.00 was added to the agenda.

Motion carried unanimously

Resolution #302 – Porta Johns for Historical Society's Tag Sale

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: Porta-Johns for the Historical Society's Tag Sale be supplied at the town rate of \$65.00 and \$25.00.

Motion carried unanimously

Correspondence – Attached

Resolution #303 - Approve Voucher s and Claims

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: All Vouchers #200134764 - #200134945 and claims submitted by:

1. City Carting	\$2,676.16	Lake Carmel Garbage
	\$5,698.67	
	\$4,959.88	
2. Timothy J. Curtiss, P.C.	\$4,725.00	July 2015 General
3. Extreme Designs	\$3,345.89	Soccer Uniforms
4. K&L Fabricating	\$3,725.00	Sanitation Truck #217
5. Kent Senior Citizens	\$8,588.00	Senior Trips
6. Lumar Plumbing & Heating	\$8,955.00	Well Pump WD#1
7. NYS Dept. of Civil Service	\$176,114.59	September 2015 Health Insurance
8. Royal Carting	\$5,112.15	Recycling Garbage
9. State Comptroller	\$33,691.00	Justice Court Fines & Fees
10. Stroker Trucking	\$3,445.50	Baseball Clay
11. Tire Buys	\$2,781.30	Tires
12. Town of Kent Municipal Repairs	\$21,436.42	Chargebacks: Highway
	\$2,546.50	Chargebacks: Sanitation
	\$4,200.11	Chargebacks: Police
13. Windstream	\$3,666.30	Telephone Service
14. Philpstown Tree Service	\$12,000	(Remove from payment)

Councilman Denbaum questioned the claim submitted by Philpstown Tree Service for the Nichols Street work. He asked where the money is coming from; he asked if it is coming, is it final, nothing has come across their desks to accept. Supervisor Fleming said the grant was approved from DOT. Councilman Denbaum asked if there is nothing else the Town needs to do to accept the funds except do the work and submit vouchers. Supervisor Fleming replied we may have to formally accept that, and said she will put it on the next agenda. Councilman Denbaum asked Counsel of any consequences paying out for expenses before accepting the grant. Town Attorney Tagliafiero replied she has not seen the grant and cannot answer. It was agreed the claim for Philipstown Tree Service be removed.

In the amount of \$155,268.03 may be paid.

Motion carried unanimously

Resolution #304 – Approval of Goosetown Communications Voucher

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: Goosetown Communications in the amount of \$22,950.00,

For 2 Way Radios: Highway be paid.

Roll Call

Councilman Denbaum – aye

Councilwoman Osborn – aye

Councilman Huestis – aye

Councilman Tierney – nay

Supervisor Fleming – aye

Motion carried

Public Comment - There was none

Resolution #305 - Adjournment

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The Town Board meeting of September 30, 2015 adjourned at 9:15 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli
Town Clerk