

## TOWN BOARD MEETING/WORKSHOP JUNE 7, 2016

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

### **Resolution #207 - Open Meeting- Adjourn to Executive Session**

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The Town Board Meeting of June 7, 2016 opened and adjourned to executive session at 6:20 p.m. to discuss 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 #208- Adjourn Executive Session**

On a motion by Supervisor Fleming

Seconded by Councilman Chin

Resolved: Executive session adjourned at 7:08 p.m.

Motion carried unanimously

**Pledge of Allegiance**- At 7:12 p.m. Supervisor Fleming called the Workshop Meeting to order with the Salute to the Flag.

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

**Public Comment** – There was none

### **The Town Board meeting was called to order with Roll Call**

Supervisor Maureen Fleming – present

Councilman Paul Denbaum – present

Councilwoman Jaime McGlasson – present

Councilman Bill Huestis – present

Councilman Scott Chin – present

**Also Present:** Town Clerk Cappelli, Town Counsel Nancy Tagliaferro, Police Chief DiVernieri and six members of the public.

### **Resolution #209 – Appointing Director of Finance**

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

**WHEREAS**, there is currently a vacancy in the office of the Director of Finance; and

**WHEREAS**, pursuant to Town Law 52(1), the Supervisor is authorized to appoint a Director of Finance who shall assist with the preparation of the preliminary budget and in the administration of other fiscal operation for the Town; and

**WHEREAS**, the Supervisor wishes to appoint Yulia Kelly as the Town Director of Finance and the Town Board of the Town of Kent finds Yulia Kelly to be a person qualified to serve as Town DIRECTOR OF FINANCE; and

**WHEREAS**, Ms. Kelly will be hired on a part time basis with flexible hours and unpaid leave effective June 8, 2016, until July 11, 2016, at which time she will commence working as Director of Finance on a full time basis;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby hires Yulia Kelly as Director of Finance of the Town of Kent at an annual salary of \$85,000.

Motion carried unanimously

### **Resolution #210 – Agreement Fireworks Extravaganza**

On a motion by Councilwoman McGlasson

Seconded by Councilman Chin

**WHEREAS**, the Town of Kent is in receipt of a proposed agreement with Fireworks Extravaganza regarding the annual Fourth of July Fireworks Display sponsored by the Town of Kent which has been scheduled for July 3, 2016 with a rain date of July 9, 2016; and

**WHEREAS**, the agreement requires a deposit of \$2,500 in order to secure the fireworks display and date; and

**WHEREAS**, the Town Board of the Town of Kent has determined that the agreement is in the best interests of the Town and desires to enter into the agreement;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby ratifies and approves the Agreement with Fireworks Extravaganza in the form annexed hereto and authorizes payment of the \$2,500 deposit to Fireworks Extravaganza; 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 #211 - Hire Summer Employees Lake Carmel Park District**

On a motion by Councilwoman McGlasson

Seconded by Councilman Huestis

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

**WHEREAS**, Connor Carrol, Nicholas Ferrara, and Dylan Clark have submitted applications which reflect the proper qualifications to fill the summer positions;

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NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Connor Carrol, Nicholas Ferrara and Dylan Clark at a rate of \$9.00 per hour, as summer employees of the Lake Carmel Park District; 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 #212- Hiring Lake Carmel Lifeguards & Water Safety Instructor**

On a motion Councilman Chin

Seconded by Councilwoman McGlasson

**WHEREAS**, the Town of Kent has duly advertised to hire lifeguards for the Lake Carmel Park District; and

**WHEREAS**, the Town of Kent previously approved the hiring of Andrea McKinley as Lifeguard Supervisor and Lucas Ruggiero as Head Lifeguard; and

**WHEREAS**, the Lake Carmel Park District has recommended the hiring of Katherine Dora as Water Safety Instructor and the hiring of Teresa Savio, Christopher Vozzella, Marcos DeGiorgio, Rebecca Viebrock, Salvatore Caruso, Ariana Garcia, Thomas Gentile, Julia Platt, Matthew Dougherty, Patricia Lyons, William Salisbury, Deborah Quintero, Joseph Gervasi, Joseph Perez, Kaitlyn Smith, Michael Buckley, Rebecca Perez, and Ross Hoffman (Hereinafter, collectively referred to as the "Lifeguards"); and

**WHEREAS**, the Lake Carmel Park District has submitted a list of proposed rates of pay for the Water Safety Instructor and the Lifeguards, a copy of which is annexed hereto; and

**WHEREAS**, the Town Board of the Town of Kent wishes to accept and approve the hiring of Katherine Dora and the Lifeguards at the proposed rates of pay;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts and approves the hiring of Katherine Dora and the Lifeguards at proposed rates of pay for the Lake Carmel Park District for summer of 2016 as set forth in the attached proposal.

Motion carried unanimously

**Resolution #213- To Provide Lake Treatment Services**

On a motion by Councilman Chin

Seconded by Councilman Denbaum for discussion. He asked if the mention of the Putnam County Department of Health is necessary. The board agreed it should be amended to remove the County and not to exceed \$17,650.

Seconded by Councilman Huestis as amended,

WHEREAS, the Town Board of the Town of Kent wishes to be proactive in the control and elimination of blue-green algae blooms in Lake Carmel; and

WHEREAS, the Town Board is in the process of obtaining a permit for the application of algacide in the event of a blue green algae bloom;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the application of algacide in the event of a blue green algae bloom at a cost not to exceed \$17,650 per treatment of either copper sulfate or Cutrine Ultra.

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.

Poll Vote:

Councilman Denbaum – aye

Councilwoman McGlasson – aye

Councilman Huestis – aye

Councilman Chin – aye

Supervisor Fleming – aye

Motion carried unanimously

**Resolution #214 - Authorizing Town Clerk to Advertise for Bids for Water Testing at Ressique Street Landfill**

On a motion by Councilman Chin

Seconded by Supervisor Fleming

**WHEREAS**, the Town of Kent wishes to advertise for bids for water testing at the Ressique Street Landfill in the Town of Kent; and

**WHEREAS**, the Town Board of the Town of Kent wishes to authorize its Town Clerk, Yolanda D. Cappelli, to advertise for water testing at the Ressique Street Landfill in the Town of Kent;

**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 water testing at the Ressique Street Landfill to be opened July 8, 2016 at noon.

Motion carried unanimously

**Resolution #215 - Authorize Assessor to Revise Certain Sewer Use Assessments**

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

WHEREAS, pursuant to Town Code §61-87, an annual sewer use assessment shall be levied in advance against properties and included on the Town Assessment Roll; and

WHEREAS, pursuant to Chapter 61 of the Town Code, §61-86 (B), all properties in the Kent Sewer District are required to meter water usage, and the actual average flow will be calculated as the metered flow of the prior year; and

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WHEREAS, §61-86(B) provides that it is the responsibility of each property owner to provide and file with the Town Clerk an Affidavit of Actual Flow by July 15 of each year, or at the option of the Town, the flows specified in the Town Code shall be utilized to calculate the sewer charges for the next year; and

WHEREAS, in 2015, the Town Board extended the date to file Affidavits of Actual Flow to September 1, 2015;

WHEREAS, in accordance with §61-86(B) of the Town Code, one unit for assessment purposes equals 223 gallons per day ("gpd"); and

WHEREAS, pursuant to §61-87(C), the lowest unit level per assessment is 100 gpd; and

WHEREAS, by Affidavit of Actual Use it has been established that the property at 474 Route 52 had an actual flow of 1660 gallons over 38 days, which equals a flow of 426.84 gpd, and as one unit for assessment purposes equals 233 gpd, 426 gpd divided by 223 equals an assessment of 1.91 units; and

WHEREAS, by Affidavit of Actual Use it has been established that the property at 38 Chauncey Road had an actual flow of 3190 gallons over 61 days, which equals a flow of 52.29 gpd which is below the minimum of 100 gpd, and as one unit for assessment purposes equals 233 gpd, 100 gpd divided by 223 equals an assessment of .45 units; and

WHEREAS, by Affidavit of Actual Use it has been established that the property at 507 Route 52 had an actual flow of 324 gallons over 39 days, which equals a flow of 8.31 gpd, which is below the minimum of 100 gpd, and as one unit for assessment purposes equals 233 gallons per day, 100 gpd divided by 223 equals an assessment of .45 units; and

NOW THEREFORE, the Town Board of the Town of Kent hereby directs and authorizes the Town Assessor to revise the 2016 Assessment Roll as follows:

- 474 Route 52: 1.91 units;
  - 38 Chauncey Rd: .45 units; and
  - 501-507 Route 52: .45 units.
- Motion carried unanimously

**Resolution #216 - Authorizing Correction of Violation Acceptance of Proposal & Charge to Property Owner**

On a motion by Councilman Denbaum  
Seconded by Supervisor Fleming

WHEREAS, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation directing the owners to remove all rubbish and debris from the exterior area of 1072 North Horsepound Road, Kent, New York identified as Tax Map # 12.1-16 (the "Property"); and

WHEREAS, the Order to Remedy required the owner of the Property to remove rubbish and debris 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 Property has 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 Property and the costs of such correction shall be charged to the property owner;

WHEREAS, consistent with the Town's Procurement Policy, the Town of Kent requested written proposals from contractors to correct the violation on the Property and received only one quote in response, a copy of which is annexed hereto and incorporated by reference; and

WHEREAS, FI Adams Inc. has submitted the lowest proposal to clear the Property at a cost of \$1,200; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the proposal submitted by FI Adams Inc. in the amount of \$1,200;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the proposal of FI Adams Inc. 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 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 #217 - Approval of Vouchers and Claims**

On a motion by Councilman Huestis  
Seconded by Supervisor Fleming

Resolved: Vouchers #200137763 - #200137985 and claims submitted by:

- |                           |              |                     |
|---------------------------|--------------|---------------------|
| 1. City Carting           | \$4,967.58   | Lake Carmel Garbage |
|                           | \$5,781.55   |                     |
|                           | \$2,909.57   |                     |
| 2. Clove Excavators       | \$330,721.08 | Asphalt             |
| 3. Fireworks Extravaganza | \$2,500.00   | Deposit             |
| 4. Hogan & Rossi          | \$5,416.63   | Legal Services      |

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5. Robert Green Auto & Truck	\$33,545.50	Ram Truck
	\$28,349.50	Crew Cab Pick-Up
	\$28,349.50	
6. Three D Industrial Maintenance	\$13,800.00	Road Sweeping

In the amount of \$568,198.62 may be paid.  
Motion carried unanimously

**Resolution #218 – Add to Agenda**

On a motion by Supervisor Fleming  
Seconded by Councilman Huestis  
Resolved: Change Town Board meeting date was added to the agenda.  
Motion carried unanimously

**Resolution #219 – Change Meeting Date Pending Confirmation**

On a motion by Supervisor Fleming  
Seconded by Councilwoman McGlasson  
Resolved: The date of the next town board meeting may be changed from June 21, 2016, to June 28, 2016 pending confirmation from the Town’s auditor that their presentation can be made on June 28, 2016.  
Motion carried unanimously

**Resolution #220 – Adjournment**

On a motion by Councilman Huestis  
Seconded by Supervisor Fleming  
Resolved: The Town Board meeting of June 7, 2016 adjourned at 8:25 p.m.  
Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli  
Town Clerk