

## TOWN BOARD MEETING/WORKSHOP MAY 17, 2016

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

### **Resolution #186 - Open Meeting- Adjourn to Executive Session**

On a motion by Supervisor Fleming

Seconded by Councilman Chin

Resolved: The Town Board Meeting of May 17, 2016 opened and adjourned to executive session at 6:38 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 #187 - Adjourn Executive Session**

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: Executive session adjourned at 7:02 p.m.

Motion carried unanimously

**Pledge of Allegiance**- At 7:10 p.m. Supervisor Fleming called the Workshop Meeting to order with the Salute to the Flag.

### **Stormwater Presentation**

Bruce Barber the Towns' Wetland and Stormwater Consultant presented the Annual MS4 report to comply with the Towns NYS DEC permit. He explained stormwater is simply run off from rain, snow melt, ice and things of that nature. Through Federal studies it was determined that stormwater runoff is a substantial origin of certain types of pollutants. What is in that runoff in developed areas are sand, litter, oil, antifreeze, pollutants from fertilizer, animal waste and a variety of different chemicals that have been spilled or absorbed. The EPA decided to regulate it and passed the regulatory to the States. The New York State Department of Environmental Conservation is in charge of Stormwater Compliance. The majority of the Town of Kent is within the Watershed of New York City which entails additional compliance requirements having to do with phosphorus reduction. In order to comply with the permit the town has to show compliance with six different components. He explained the report is the compilation of the hard work of the town staff, the Highway Department, the Planning and Building Department, the Recreation Department, the Supervisor's and Councilman and the Town Clerk's office.

He explained Minimum Measure 1. Has to do with Public Education and Outreach. To meet that they have trained 11 construction site operators, they have displays and kiosks, different events and presentations, 366 brochures were printed and distributed at Town Hall and the Library. Minimum Measure 2. Public Involvement/Participation, the Town has a Cleanup Event every year; there are meetings at the consultant level as well the Planning Board, Town Board and stakeholders as well. Forty people attended community meetings and 144 attended stakeholder meetings. The Town's website provides a rich resource 24/7 on the various stormwater programs. Minimum Measure 3. Illicit Discharge Detection and Elimination are those components coming into a stormwater conveyance system like a stream or drainage. Typically they see, washing machine water, some septic systems which must be corrected. They are all inspected, this year they found 3 illicit discharges. Minimum Control 4 & 5, Construction Control. During construction when the land is dug up there is runoff. That runoff itself is a pollutant and can also carry with it additional pollutants. They review every single project to determine if there will be land disturbance, if it is greater than 5,000 sq. ft a stormwater plan is required. Sixteen stormwater plans were reviewed and accepted, there were 6 notice of violations and 2 stop work orders. They also inspect the sites to assure the erosion controls are installed properly, Stormwater structures are inspected and maintained. Minimum Control 6 Housekeeping is how we maintain municipal operations. The Highway Department swept 5 acres of parking lots, 215 miles of road, inspected 440 catch basins; we do not use phosphorus fertilizer or pesticides. We conducted training throughout the year for staff and contractors. We are in compliance with the heighten compliances through the East of Hudson Corporation involved with installing stormwater basins seen throughout the town. They are done with DEP funding, the way it is presently structured the maintenance will be the responsibility of the Town. He said the Highway Department was completely cleaned up, bins and a salt dome were constructed to contain material, and areas were swept and expanded. Work was done with East of Hudson assuring phosphorus reduction in the more highly developed areas within the town. He is looking forward to additional stormwater improvements through the next five years. He said the Town Board has begun developing a stormwater committee which will be an asset in many ways and the formation of a Lakes Committee which will be very positive to reverse some of the conditions in the lakes. The Town is in full compliance. He asked for questions or comments there were none.

**Workshop** – The board discussed all the items on the workshop agenda.

### **Public Comment**

Sue Kotzur from Nimham Road spoke for all that live on the road about the wonderful work the Kent Highway Department did. She thanked Rich Othmer, the Highway Staff and those hired for the fantastic job.

A resident of 24 Chauncey Road said he has a problem; he has been trying to sell his home but has a violation. He asked for help he is behind in his mortgage, he has someone who wants to buy his home, but is in court and time is running out. Councilman Denbaum said the board cannot remove the violations, he said he has to clear up the violations; the Building Inspector cannot issue you a permit until the violations are cleared. Town Counsel Tagliaferro suggested the buyer work with him to clear the violations to purchase the home. Councilman

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Denbaum instructed that he can complete the application for a permit, but because of the violations it will be denied, at that point you will make an application to the Zoning Board of Appeals to appeal the denial of the permit, you may have some compelling reason.

### **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, Recreation Director Fernandez, Recycling Co-Chairperson Sue Kotzur and Town Historian Jackie Rohrig.

### **Resolution #188- Hire Seasonal Park Maintenance Worker Recreation Department**

On a motion by Councilman Denbaum  
Seconded by Councilman Huestis

WHEREAS, the Town of Kent is seeking to fill a Seasonal Park Maintenance Worker position; and  
WHEREAS, the Director of Recreation has recommended hiring Brian Sposato to fill the position; and  
WHEREAS, the Town Board believes it to be in the best interests of the Town to accept the Director's recommendation; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Brian Sposato as a Seasonal Park Maintenance Worker 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 #189 – Authorizing Temporary Sales Event**

On a motion by Councilman Denbaum  
Seconded by Councilman Chin

WHEREAS, pursuant to Chapter 58 of the Code of the Town of Kent, no temporary sales event may be conducted in the Town of Kent without first applying for an operating permit from the Town Board; and

WHEREAS, FRANGEL REALTY, LLC has submitted an application to conduct a temporary sales event at its location at 529-533 Route 52 on June 18, 2016 and proposes a rain date of June 19, 2016; and

WHEREAS, the Application has been reviewed by the Town's Fire Inspector, Nick Cecere, who has recommended the issuance of a permit, subject to certain conditions, as set forth on the attached memorandum; and

WHEREAS, the Town Board has reviewed the Application and supporting documentation and finds the Application to comply with the requirements of the Town Code of the Town of Kent in all respects; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the issuance of a permit to FRANGEL REALTY, LLC to conduct a temporary sales event at its location at 529-533 Route 52 on June 18, 2016 with a rain date of June 19, 2016, subject to the conditions recommended by Fire Inspector Nick Cecere as attached hereto.

Motion carried unanimously

### **Resolution #190 - To Approve Inter-Municipal Agreement with Putnam County for Electrical Inspections.**

On a motion by Councilman Denbaum  
Seconded by Councilwoman McGlasson

**WHEREAS**, pursuant to New York General Municipal Law, Article 5-G, local governments are authorized to enter into municipal cooperation agreements for the performance among themselves or one for the other of their respective functions; and

**WHEREAS**, the Town of Kent (the "Town") acknowledges that there is a critical need to utilize every means available to provide the maximum services in the most cost-effective manner and at the least possible cost to the local taxpayers, and that flexibility in operating local governments through shared services and resources is necessary to insure efficiency and maximum benefits to the local taxpayers which will result in efficient and cost effective work performance; and

**WHEREAS**, pursuant to New York Executive Law §381(2) any local government may enter into an agreement with the county in which such local government is situated to administer and enforce the uniform code, the state energy conservation construction code, or both, within such local government; and

**WHEREAS**, the County of Putnam (the "County") intends to enter into a contract with an electrical inspector consultant (the "Inspector") to perform electrical inspections, re-inspections or altered electrical wiring (collectively referred to as "Electrical Inspections") in accordance with the standards of the National Electrical Code, New York State Uniform Fire Prevention Code, New York State Building Code, and all other applicable national, state and local regulations, ordinance and codes for residential and commercial properties located within the County, including those properties located within the Town; and

**WHEREAS**, the Town wishes to authorize the County, through its Inspector and at no cost to the Town, to administer Electrical Inspections within the Town's jurisdiction; and

**WHEREAS**, taxpayer monies will be saved by entering into such an agreement and it is in the best interests of the Town to do so.

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**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby approves the Inter-Municipal agreement with the County to provide Electrical Inspections at no cost to the Town; 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 #191 – Hire Lake Carmel Park District Summer Employee**

On a motion by Councilman Denbaum

Seconded by Councilman Chin

WHEREAS, the Town of Kent is seeking to fill one summer positions in the Lake Carmel Park District; and  
WHEREAS, Daniel Ferrara, has submitted an applications which reflect the proper qualifications to fill the summer positions;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Daniel Ferrara at a rate of \$9.25 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.

Roll Call

Councilman Denbaum – aye      Councilwoman McGlasson- aye

Councilman Huestis – aye      Councilman Chin – aye

Supervisor Fleming – aye

Motion carried unanimously

**Resolution – Hire Lake Carmel Park District Summer Employee**

On a motion by Councilman Denbaum

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

WHEREAS, Nicholas Ferrara, has submitted an applications which reflect the proper qualifications to fill the summer positions;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Nicholas Ferrara 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.

Seconded by Councilman Huestis for discussion. He said he would like the board to table this matter. Councilman Denbaum withdrew his motion.

**Resolution #192 – Add to the Agenda**

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

Resolved: Add Table - Lake Carmel Park District Summer Employee to the Agenda.

Motion carried unanimously

**Resolution #193 – Table Lake Carmel Park District Summer Employee**

On a motion by Councilman Denbaum

Seconded by Councilman Huestis

Resolved: The Hiring of Lake Carmel Park District Summer Employees Nicholas Ferrara and Dylan Clark were tabled.

Roll Call

Councilman Denbaum – aye      Councilwoman McGlasson- aye

Councilman Huestis – aye      Councilman Chin – aye

Supervisor Fleming – nay

Motion carried

**Resolution #194 – Accepting Quote for Beach Sand**

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

**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 2 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;

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**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

### **Resolution #195 – Release of Erosion Control Bond Putnam County Savings Bank TM#44.5-2-26**

On a motion by Councilwoman McGlasson

Seconded by Councilman Huestis

**WHEREAS**, Putnam County Savings Bank (the “Owner”) owns a parcel of land at 256 Route 52, Carmel, New York 10512, identified as Tax Map No. 44.5-2-26 (the “Lot”); and

**WHEREAS**, the Owner posted a bond for erosion control to the Town of Kent in the amount of \$2,450; and

**WHEREAS**, the Owner has submitted a request that the erosion control bond be released; and

**WHEREAS**, the Planning Board, at their meeting held on May 9, 2016, approved Resolution #6 of Year 2016 recommending the release of the erosion control 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 authorizes the release of the erosion control bond in the amount of \$2,450.

Motion carried unanimously

### **Resolution #196 – Improvement to Recycling Center**

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

**WHEREAS**, the Kent Recycling Commission (the “Commission”) operates the Kent Recycling Center and has determined that there is a need for an additional 20’ x 40’ concrete slab at the Recycling Center; and

**WHEREAS**, the Town Code at §4-23 provides that all funds raised by the Commission shall be used for the operation and enhancement of the Kent Recycling Center;

**WHEREAS**, the Commission obtained three proposals for the construction of the concrete slab and Terry Boalt of Stormville, New York, submitted the lowest proposal in the amount of \$8,850; and

**WHEREAS**, during the course of installing the additional concrete slab, the Commission requested a further extension of the slab for a cost of \$2,555, for a total cost of \$11,405; and

**WHEREAS**, §4-25 of the Town Code requires that all contracts for services provided to the Recycling Center be approved by the Town Board, and the Commission is requesting that the Town Board approve and ratify the award of the contract to Terry Boalt, and authorize the payment of \$11,405 to Terry Boalt from Recycling Center funds;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby approves and ratifies the acceptance of the proposal submitted by Terry Boalt and the additional work on the concrete slab in at the Recycling Center; and

**BE IT FURTHER RESOLVED** that the Town Board hereby authorizes payment to Terry Boalt from the Recycling Center fund in an amount not to exceed \$11,405.

Motion carried unanimously

### **Resolution #197 – Authorizing Agreement with Kent Historical Society**

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

**WHEREAS**, pursuant to Section 57.07 (1) of the Arts and Cultural Affairs Law, the Town of Kent is authorized to expend monies for historical purposes and, in cooperation an historical organization, may provide for the preparation and publication of local histories in aid of the work of the local historian; and

**WHEREAS**, Town Law 64 (17)(a) provides that the Town Board may provide for the preservation and protection of places, buildings, works of art and other objects having a special character or aesthetic interest or value; and

**WHEREAS**, the Arts and Cultural Affairs Law § 61.05 provides that the Town may establish and maintain a public museum; and

**WHEREAS**, the Kent Historical Society, Inc. (the “Society”), is a voluntary, not for profit corporation organized and existing under the laws of the State of New York, rendering museum and historical services, including exhibits, programs and publications to promote an understanding of the history of the Town of Kent and the region, and collecting and providing a safe repository for objects and records relating to the history of the Town of Kent and the region; and

**WHEREAS**, the Town owns the property adjacent to Col. Ludington Mill Site, the Museum (the “Museum”) located at 1374 Route 52, in the Town of Kent, County of Putnam and State of New York; and

**WHEREAS**, the Town wishes to work in cooperation with the Society to operate the Museum, provide for preparation and publication of the history of the Town and generally aid the Town Historian; and

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**WHEREAS**, the Society is in need of a space to display historical artifacts for public viewing and for space to meet and present programs and publications regarding the history of the Town;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes use of a meeting room by the Kent Historical Society, upon prior notice to the Town, so long as said meeting room is not needed for a municipal purpose, for meetings and public presentations by the Kent Historical Society; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Kent hereby authorizes the Kent Historical Society to operate a museum at the Col. Ludington Mill site; and

**IT IS 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.

### **Resolution #198 - Accepting Proposal for Lake Tibet Suction Harvesting**

On a motion by Councilman Chin

Seconded by Councilwoman McGlasson

**WHEREAS**, the Town of Kent has determined there is a need for suction harvesting of Lake Tibet (Park District 2); and

**WHEREAS**, in accordance with the Town's Procurement Policy, the Town obtained requests for proposals from companies which provide this specialized service, and received two written proposals in response to such request, copies of which are annexed hereto and incorporated herein by reference; and

**WHEREAS**, Pristine Waters LLC, has submitted the lowest proposal dated May 16, 2016 in the amount of \$1,500 per day for 5 days at a total cost of \$7,500, including a \$1,000 deposit; and

**WHEREAS**, the Town Board of the Town of Kent wishes to accept the proposal submitted by Pristine Waters LLC;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby approves the suction harvesting of Lake Tibet for the price set forth on the proposal annexed hereto in the amount of \$7,500, including a \$1,000 deposit; 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 #199 – Add to Agenda Authorization to Offer Item for Sale – John Deere Mower**

On a motion by Councilman Chin

Seconded by Councilman Huestis

Resolved: Authorization to Offer Item for Sale was added to the agenda.

Motion carried unanimously

### **Resolution #200 – Authorization to Offer Item for Sale – John Deere Mower**

On a motion by Councilman Chin

Seconded by Councilman Huestis

**WHEREAS**, the Town of Kent Recreation Department advises a certain John Deere 325 Ride Mower and Cart in the inventory of the Recreation Department is of no use to the Recreation Department; and

**WHEREAS**, the Director of the Recreation Department has recommended that the item be placed for sale by the Town of Kent Municipal Repairs Manager; and

**WHEREAS**, the Town Board wishes to authorize the Recreation Department to offer the John Deere 325 Ride Mower and Cart sale to third parties.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent, authorizes the Town of Kent Recreation Department to offer the John Deere 325 Ride Mower and Cart for sale.

Motion carried unanimously

### **Resolution #201 – Add to Agenda – Court Attendant Resignation**

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The Court Attendant resignation was added to the agenda

Motion carried unanimously

### **Resolution #202 – Accept Court Attendant Resignation**

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The resignation of Thomas J. Carroll as Court Attendant was accepted with regret effective May 31, 2016.

Motion carried unanimously

### **Resolution #203– Add to Agenda – Settlement of Litigation**

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The settlement of litigation was added to the agenda

Motion carried unanimously

### **Resolution #204 – Settle Litigation – Jones v. Kent**

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On a motion by Supervisor Fleming  
Seconded by Councilman Huestis

WHEREAS, the Supreme Court, Putnam County previously awarded the sum of \$7,927 representing attorneys' fees, to Ralph Jones, the Petitioner in Jones v. Town of Kent; and

WHEREAS, the Petitioner has made a second application to the Court for additional attorneys fees in the amount of \$3,500; and

WHEREAS, the Petitioner is willing to accept \$1,000 to settle this matter and the Town Board is willing to pay the sum of \$1,000 to settle the matter;

NOW THEREFORE IT IS RESOLVED that the Town Board authorized payment of the sum of \$8,927 to settle the matter of Jones v. Town of Kent, subject to submission of a completed voucher by Timothy J. Curtiss, Esq.; an it is

FURTHER ESOLVED, that the Town Board authorizes the Supervisor to sign any and all documents necessary to effectuate this resolution.

**Roll Call**

Councilman Denbaum – nay      Councilwoman McGlasson- nay  
Councilman Huestis – aye      Councilman Chin – aye  
Supervisor Fleming – aye  
Motion carried

**Resolution #205 - Approval of Vouchers & Claims**

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: All Vouchers #200137574 - #200137734 and claims submitted by:

1. City Carting	\$3,371.29	Lake Carmel Garbage
	\$6,966.57	
	\$5,525.90	
2. Timothy J. Curtiss	\$4,859.50	March 2016 General
3. Extreme Designs	\$2,231.74	Softball Jerseys
	\$3,527.85	Baseball Jerseys
4. Kent Manor Sewer Corp.	\$96,903.59	Sewer Rent
5. LA Police Gear, Inc.	\$4,018.00	Holster Pistols
6. Lumar Plumbing	\$7,100.00	Pressure Tanks: WD#1
7. Medicare Reimbursements	\$16,567.20	Reimbursements
8. New England Bounce About	\$2,808.00	Deposit for Community Day
9. NYCOMCO	\$2,622.00	2 Way Radios: Police
10. NYS Dept of Civil Service	\$190,374.34	Health Insurance
11. Power Plan	\$3,358.96	Backhoe Repair
12. Royal Carting	\$4,785.30	Recycling Garbage
13. Six Diamonds Tree Service	\$2,500.00	Tree Removal
14. Spain Agency	\$78,189.02	Insurance Installment
15. Terry Boalt	\$11,405.00	Recycling Concrete Slab
16. Tire Buys	\$2,252.69	Tires
17. Town of Kent Municipal Repairs	\$10,260.92	Chargebacks: Highway
	\$3,133.70	Chargebacks: Police
	\$2,902.79	Chargebacks: Sanitation
18. Vector Security	\$2,898.00	Camera at Recycling
19. Windstream	\$4,131.66	Telephone Service

In the amount of \$512,988.68 may be paid.

Motion carried unanimously

**Correspondence-** Attached.

**Public Comment** – There was none.

**Resolution #206 - Adjournment**

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: The town board meeting of May 17, 2016 adjourned at 8:36 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli  
Town Clerk

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