

TOWN BOARD MEETING/WORKSHOP JUNE 28, 2016

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

Resolution #221 - Open Meeting- Adjourn to Executive Session

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The Town Board Meeting of June 28, 2016 opened and adjourned to executive session at 6:08p.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 #222- Adjourn Executive Session

On a motion by Councilman Huestis

Seconded by Councilwoman McGlasson

Resolved: Executive session adjourned at 7:08 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.

CAC Presentation

Beth Herr, Chair of the Kent Conservation Advisory Committee thanked the board for the opportunity to update all on their activities. In the fall they had foliage walk to the fire tower, a New Year's Day hike and a nature walk on Town property. They sponsored a wood cox walk and had a slide presentation on Kent and the beautiful parks surrounding town. A wildflower walk and the popular hike to Hawk Rock. In addition to the public programs they sponsored a photo competition, which were displayed at the library and currently on display at Town Hall. An upcoming event will be a Star Party, on the lawn of the Town Centre either in August or September. They have also been working with an Eagle Scout who designed and completed a project to Hawk Rock, there now is a kiosk, map, and the trail is blazed and easy to follow. Currently they are working with another Eagle Scout who will be making a boardwalk over wetlands. Both projects were in conjunction with NYCDEP, she explained the CAC maintain a stewardship with them to keep the trails open and safe. The CAC sits on several committee's one being the Clearpool model forest, which is advantageous filling in our natural resource inventory. They attended the annual NYS Conference with other towns that have CAC's. They also attended a workshop on creating a natural resource inventory to prepare for future grant writing and a seminar on water quality assessment where citizen scientist do protocol tests on local streams, which they did a few. They hope to have a program including the general public. The CAC toured the new forestry project at Lake Tibet; it is great and should be interesting as it proceeds. They sit on the Environmental Leaders Learning Alliance, a group of EMC or CAC throughout Westchester, Rockland, Putnam and Dutchess County a great resource. They maintain agreements with DEP and with DEC. They have been very busy maintaining the Fire Tower with various projects, including painting, cleaning, and an engineer's report on the future maintenance of the tower. They continue to reach the public through their Face book page and the Kent Nature Almanac.

David Ehnebuske spoke about an adjunct of the CAC a not for profit called the Kent Conservation Foundation, KCF a 501 (c) (3) to maintain the fire tower. He said the labor has been volunteer, but it does require materials and the hiring of an engineer. The objective is to let the CAC identify a conservation orientated project that needs to get done but otherwise could not be funded. The Kent Conservation Foundation is there to supply the additional funds. If interested in joining or donating he provided a brochure which will be also be available at the Town Hall and the library.

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

Public Comment

Pat Madigan Co-Chair of the Lake Carmel Park District Advisory Committee presented to the board a letter with the committee's concern's in regards to the TMDL report for Lake Carmel. (see attached) Supervisor Fleming replied before this draft was put out, representatives were present from NYSDEC, she thinks after the report is finalized she will ask them to do another public hearing. In regards to the Blue-Green Algae she said she is scheduling a meeting with Lakesavers for alternative solutions. In regards to the other towns in the watershed, the town of Kent is part of the East of Hudson Corporation and they are looking at practices to be implemented around the lake. Pat asked if the board will be responding or commenting by the July 1st date. Supervisor Fleming replied she will be corresponding with Bruce Barber before the 1st. Pat said she was surprised when the committee was not asked to be present when the meeting took place with Insite and asked for minutes. Councilman Denbaum took notes that he will provide.

Mr. Ulich reminded the public who will be enjoying the fireworks to please take out whatever they bring in.

Mr. Morris thanked the board for the display of the American Flag at the beaches.

At 9:00 p.m. 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

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Councilman Scott Chin – present

Also Present: Town Clerk Cappelli, Town Counsel Nancy Tagliaferro, Police Chief DiVernieri, Legislator Toni Addonizio, Code Enforcement Officer Bill Looney, Zoning Board Chairperson Bob Rogers, Kent Conservation Chair Beth Herr, Dave Ehnebuske, Recycling Co Chairperson Sue Kotzur, Lake Carmel Park District Advisory Committee Co Chair Pat Madigan and six members of the public.

Resolution #223 – Hire Concessionaire Kent Community Day

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

WHEREAS, the Town of Kent is in need of a concessionaire for Kent Community Day, scheduled for Saturday, September 10, 2016 at the Edward Ryan Memorial Park in Kent, New York; and

WHEREAS, the Director of Recreation and Parks has negotiated with Carmel Bagel Deli North, who has successfully operated the concession stand during Kent Community Day for the past several years; and

WHEREAS, in return for operating the concession stand, Carmel Bagel Deli North has offered to pay the Town of Kent 15% of the net profits earned on Kent Community Day; and

WHEREAS, the Director of Recreation and Parks has recommended the acceptance of the proposal from Carmel Bagel Deli North, 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 proposal of Carmel Bagel Deli North to act as concessionaire in return for 15% of the net profits earned that day; 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 #224 – Authorization to Advertise Start Smart Soccer Assistant Positions

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

WHEREAS, the Town of Kent is seeking to fill positions for Start Smart Soccer Assistants in the Recreation Department; and

WHEREAS, the Town of Kent wishes to advertise for applications to fill said positions;

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 applications for the Start Smart Soccer Assistant positions in the Town of Kent Recreation Department.

Motion carried unanimously

Resolution #225 – Authorization to Donate Unneeded Apparel

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

WHEREAS, the Director of Recreation and Parks advises that the Recreation Department currently has in its inventory surplus athletic apparel that is no longer fit for use in connection with Town Recreation Department programs; and

WHEREAS, the apparel is not desirable for sale through private sale or auction and therefore the Director of the Recreation and Parks has recommended that the items be donated; and

WHEREAS, the Town Board 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, authorizes the Town of Kent Recreation Department to donate the surplus, unneeded athletic apparel in its inventory to community based organizations and events.

Motion carried unanimously

Resolution #226 – Accept Retirement & Resignation of Clerk to Sanitation & Municipal Repairs & Permission to Advertise

On a motion by Councilman Denbaum

Seconded by Councilman Huestis

WHEREAS, the Town Board of the Town of Kent is in receipt of the resignation of Diane O'Brien as the Clerk in the Sanitation and Municipal Repairs Department, who is retiring effective July 29, 2016; and

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WHEREAS, the Town Board wishes to authorize its Town Clerk, Yolanda D. Cappelli, to advertise for applications for a Clerk for the Sanitation and Municipal Repairs Department.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts the resignation of Diane O'Brien as the Clerk in the Sanitation and Municipal Repairs Department and extends its congratulations and thanks to her on her retirement; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes its Town Clerk, Yolanda D. Cappelli, to advertise for applications for the position of Clerk for the Sanitation and Municipal Repairs Department.

Motion carried unanimously

Resolution #227 - Accept Consent Judgments – Putnam County National Bank

On a motion by Councilwoman McGlasson

Seconded by Councilman Huestis

WHEREAS, Town Counsel and the Town Assessor negotiated with the Putnam County National Bank regarding the assessments currently levied on 16 properties in the Town of Kent; and

WHEREAS, the Town Assessor, Town Counsel and the Putnam County National Bank have reached an agreement as to the assessed values of the 16 parcels for the years 2014/2015; and

WHEREAS, Petitioner has agreed that if the Town Assessor and Town Counsel recommend the lowered assessments for the 2014/2015 tax years, Petitioner will waive any refunds due from the Town and the County of Putnam; and

WHEREAS, the Town Assessor and Town Counsel are recommending the settlement to the Town Board.

NOW THEREFORE, The Town Board of the Town of Kent hereby authorizes counsel, Timothy J. Curtiss, Esq., to execute said Consent Judgments on the following 16 parcels:

		<u>2014</u>	<u>2015</u>
1)	10.-1-8	\$275,000	\$165,000
2)	33.48-1-1	\$425,000	\$425,000
3)	20.-1-26	\$475,000	\$124,444
4)	33.14-1-9	\$2,500	\$1,000
5)	12-3-73	\$5,000	\$1,000
6)	33.14-1-4	\$2,500	\$1,000
7)	10-2-64	\$175,000	\$155,000
8)	2.-1-5	\$10,000	\$10,000
9)	20.-1-12	\$20,000	\$5,000
10)	19.20-1-31	\$280,000	\$78,725
11)	19.12-1-10	\$25,000	\$2,500
12)	19.16-1-16		\$2,500
13)	20.9-1-11		\$175,000
14)	20.13-1-21		\$75,000
15)	20.-1-5		\$450,000
16)	20.-1-11		\$15,000

AND BE IT FURTHER AUTHORIZED that Town Counsel is authorized to sign any and all documents necessary to complete the settlement.

Motion carried unanimously

Resolution #228- Hire Summer Employees for Highway Department

On a motion by Councilwoman McGlasson

Seconded by Councilman Chin

WHEREAS, the Town of Kent wishes to hire summer employees for the Town Highway Department; and

WHEREAS, the Kent Highway Superintendent recommends the hiring of Sean Terwilliger, Cody Hickock, Aidan Joyce-Borg, and Ryan Herde; and

WHEREAS, the Town Board wishes to accept the recommendation of the Superintendent of Highways and hire Sean Terwilliger, Cody Hickock, Aidan Joyce-Borg, and Ryan Herde;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Sean Terwilliger, Cody Hickock, Aidan Joyce-Borg, and Ryan Herde as summer employees of the Highway Department; 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

Lake Carmel Park District – Accept New Member Lake Carmel Park District Advisory Board -Tabled

Resolution #229- Lake Carmel Park District – Hiring Lifeguards

On a motion by Councilman Chin

Seconded by Councilman Denbaum

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

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WHEREAS, Emma Ruocco and Jake Lam 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 Emma Ruocco, at a rate of \$11.50 per hour, and Jake Lam, at a rate of \$13.00 per hour, as lifeguards 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 #230- Accept Proposals to Correct Violations & Charge Property Owners

On a motion by Councilman Chin

Seconded by Councilwoman McGlasson

WHEREAS, the Code Enforcement Officer of the Town of Kent has issued Orders to Remedy directing the owners of the following properties in the Town of Kent to remove all overgrowth of grass, weed and brush from exterior areas:

30-32 Lockwood Road	Tax Map 33.42-2-7
562 Route 52	Tax Map 33.40-1-8
143 Kentview Drive	Tax Map 20.8-1-29
278 Lakeshore Drive East	Tax Map 33.26-1-46
26 Geneva Drive	Tax Map 22.58-1-35

(the "Properties"); and

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

WHEREAS, more than ten days have elapsed since the service of the Order to Remedy and the owners of the Properties have failed to correct the violations as required, or to submit a written request to the Code Enforcement Officer to discuss remedial action to abate the violations; 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 requested 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 all five properties as follows:

30-32 Lockwood Road	\$150
562 Route 52	\$100
143 Kentview Drive	\$75
278 Lakeshore Drive East	\$75
26 Geneva Drive	\$65

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 \$465 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 violations 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

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 #231- Accept Lake Carmel Fire Department New Members

On a motion by Councilman Chin

Seconded by Supervisor Fleming

WHEREAS, the Lake Carmel Fire Department has recommended to the Town Board of the Town of Kent the acceptance of Daniel Boyd and Anthony Nimmons as new members of the Lake Carmel Fire Department; and;

WHEREAS, the Town Board of the Town of Kent wishes to accept the recommendation of the Lake Carmel Fire Department;

NOW, THEREFORE, BE IT RESOLVED, that Town Board of the Town of Kent hereby accepts Daniel Boyd and Anthony Nimmons as members of the Lake Carmel Fire Department; 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, consistent with the terms hereof and in such form as is satisfactory to the Town Supervisor and the Town Attorney.

Motion carried unanimously

Resolution #232 – Add to the Agenda

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: The restoration of time to employees, naming co-counsel in a Supreme Court manner and withdrawing a prosecution in a Town Code violation were added to the agenda.

Motion carried unanimously

Resolution #233 – Restoration of Time to Employees

On a motion by Supervisor Fleming

Seconded by Councilman Chin

Resolved: The use of sick leave days is restored to vacation days for Employee A, days which were used to care for a sick member of their immediate family and to restore to Employee B vacations days taken for bereavement of a relative were authorized.

Motion carried unanimously

Resolution #234 - Naming Co-Counsel – Hogan & Rossi

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The law firm of Hogan & Rossi was added as co-counsel in a matter before Supreme Court, Index #944 of 2015.

Roll Call

Councilman Denbaum – abstained Councilwoman McGlasson – aye

Councilman Huestis – aye Councilman Chin – aye

Supervisor Fleming – aye

Motion carried

Resolution #235 - Withdraw Prosecution of Town Code Violation

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The Town of Kent may withdraw its prosecution of its service for Town Code Violation involving a trailer without prejudice.

Motion carried unanimously

Resolution #236- Approve Vouchers & Claims

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: Voucher #200138008 - #200138206 and claims submitted by:

1. Beyer Ford	\$35,068.20	Ford Taurus
2. City Carting	\$8,362.78	Lake Carmel Garbage
	\$5,495.95	
3. Cummins Power Systems	\$2,211.50	Truck Parts
4. Great American Financial	\$3,120.73	Voice Recorder
5. Heritagenergy	\$3,494.00	Diesel
6. NYCOMCO	\$2,622.00	2 Way Radio: Police
7. NYS Dept of Civil Service	\$183,447.37	Health Insurance
8. NYSEG	\$2,820.06	Electric: Police
9. Royal Carting	\$4,114.32	Recycling Garbage
10. Town of Kent Municipal Repairs	\$23,081.13	Chargebacks: Highway May
	\$18,730.27	Chargebacks: Highway April
	\$6,686.06	Chargebacks: Sanitation April
	\$2,580.41	Chargebacks: Sanitation May
11. Transaxle	\$2,218.20	Brake Drums
12. Windstream	\$4,124.25	Telephone Service

In the amount of \$333,826.22 may be paid.

Motion carried unanimously

Correspondence – Attached

Public Comment – There was none.

Resolution #237 – Adjournment

On a motion by Councilman Huestis

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Seconded by Supervisor Fleming

Resolved: The town board meeting of June 28, 2016 adjourned at 9:33 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli
Town Clerk