

## TOWN BOARD MEETING OF MAY 22, 2018

A regular meeting was held at 6:30 p.m. at the Kent Town Hall, 25 Sybil's Crossing, Kent Lakes, New York 10512.

### **Resolution#197 - Adjourn to Executive Session**

On the motion by Councilwoman Woolley

Seconded by Councilman Huestis

Resolved: The town board adjourned to executive session at 6:45 p.m. to discuss matters related to the financial history of a particular person and litigation.

Motion carried unanimously

### **Resolution#198 - Adjourn Executive Session**

On the motion by Supervisor Fleming

Seconded by Councilwoman Woolley

Resolved: Executive session adjourned at 7:12 p.m.

Motion carried unanimously

### **Resolution#199 - Approve Settlement Case**

On the motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: The supervisor is authorized to sign the approval of settlement in the amount of \$37,500 in the matter of Barbara Kastle and Matthew Kastle, as Administrators of the Estate of Michael W. Kastle v. the Town of Kent

Motion carried unanimously

### **Resolution#200 - Approval of Retro Pay**

On the motion by Councilman Denbaum

Seconded by Councilwoman Woolley

Resolved: Retro pay be approved to date back to February 19, 2018 as per the last executive session resolution for Michele Sclafani.

Motion carried unanimously

### **Public Hearing – Demolition of House at 5 Harriman Road**

#### **Resolution#201 - Open Public Hearing**

On the motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: Public hearing for demolition of 5 Harriman Road be opened.

Motion carried unanimously

Supervisor Fleming read the legal notice to those present. Councilman Huestis stated he has been around town there are many abandoned home in distress; this house is on the list. The building inspector and code enforcement has done their due diligence. There is broken windows, etc. even criminal concerns. It is important homes in this shape, it's unfortunate but it needs to be demolished. Hopefully some of the homes will be flipped and fixed up. He stated he supports this. Supervisor Fleming stated the pictures clearly show that there are multiple collapsed areas of the roof, broken windows; the house is really in terrible condition. She asked for any comments from the public. Building Inspector Walters had nothing new to add. The building has been in very bad condition for a long period of time and we need to get that particular building closed up. The Kent Police have notified him they have caught kids in there, they are using it as a hang out and afraid they are using drugs in there. We need to get the building down and out. Supervisor Fleming stated we don't usually like to open and close a public hearing the same night but considering this is a dangerous building situation she doesn't know what the board feels like doing. Councilman Huestis stated he would like to close the public hearing. We have discussed this at the last meeting, it's attracting kids and it's very dangerous. It's going to take time to get this demolished; there is a process we have to do. Inspector Walters stated the process once the board approves it, it will go out to bid with contractors. He has already contacted a few of them and they have gone out and taken a look at it. They will start drafting those bids and submit them to the town so we can review and

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accept the bids and then go forth. Counsel Tagliafiero stated that the town code also provides that we have to wait thirty days after serving this notice on the owners which occurred on May 3<sup>rd</sup>. So we are unable to do anything until the first week in June anyway. Supervisor Fleming asked if we should wait and close the public hearing the first week of June. Counsel stated yes, it won't cause any delay by holding it open. Supervisor Fleming stated that the building inspector can continue to get quotes so if we decide to move on this we can then authorize at the same meeting.

### **Resolution#202 - Adjourn Public Hearing**

On the motion by Supervisor Fleming

Seconded by Councilwoman Woolley

Resolved: Public hearing for 5 Harriman Road is adjourned until June 5<sup>th</sup>.

Motion carried unanimously

### **Pledge of Allegiance**

The workshop meeting was called to order with the Salute to the Flag

### **Workshop Meeting**

The Board reviewed and discussed all items on the workshop agenda.

### **Public Comment**

Mr. Epstein a resident of Kent stated he has been advocating for many years the idea of burying utility cables. He thinks every planning, zoning, every utility liaison; every master plan and franchise agreement opportunity should be encouraged to burying utility cables. We have seen the vulnerability of above ground utilities. He believes we can do our part in designing the town to make it less likely of happening again. Paul Beecher had some questions about Water District No. 1, specifically, whether there is a maintenance schedule in place. Councilwoman Woolley is working on a plan for monitoring and scheduling of regular maintenance.

### **Resolution#203 - Add an item to the Agenda**

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

Resolved: the Town Board authorized adding an agenda item to appoint someone to take the minutes of the meeting.

Motion carried unanimously

### **Resolution#204 - Appoint Nancy Tagliafiero to take meeting minutes**

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

Resolved: the Town Board appointed Nancy Tagliafiero to take the Minutes of the Town Board meeting.

Motion carried unanimously

### **Roll Call**

Supervisor Fleming- present

Councilman Denbaum- present

Councilwoman McGlasson- present

Councilman Huestis- present

Councilwoman Woolley- present

### **Resolution#205 - Set a Public Hearing for Introductory Local Law #2**

On the motion by Supervisor Fleming

Seconded by Councilwoman Woolley

**BE IT RESOLVED** that an amendment to Kent Town Code Chapter 39A entitled "Freshwater Wetlands", is hereby introduced by Supervisor Fleming, as Introductory Local Law #2 of the year 2018 before the Town Board of the Town of Kent in the County of Putnam and State of New York, and

**BE IT FURTHER RESOLVED**, that copies of the aforesaid proposed Amendment, which is attached hereto, be laid upon the desk of each member of the Board, and

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**BE IT FURTHER RESOLVED**, that the Town Board will hold a public hearing on said proposed Amendment at the Town Hall, in the Town of Kent, New York at 7:00 o'clock P.M. on June 5, 2018, and

**BE IT FURTHER RESOLVED**, that the Town Clerk publish or cause to be published a public notice in the official newspaper of the Town of Kent of said public hearing at least five (5) days prior thereto.

Motion carried unanimously

### **Resolution#206 - Award Bid For Fencing for Inclusive Playground**

On the motion by Councilman Denbaum

Seconded by Supervisor Fleming

**WHEREAS**, the Town of Kent sought quotes for the installation of fencing around the inclusive playground at Town Hall; and

**WHEREAS**, three quotes were received, copies of which are attached hereto and incorporated by reference herein;

**WHEREAS**, the Town of Kent Acting Director of Recreation and Parks recommends awarding the contract to Duke Fence, whose quote in the amount of \$10,150.00 is the best value considering that they can offer the immediate installation of the fencing;

**NOW THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Kent hereby accepts the recommendation of the Acting Director of Recreation and Parks and authorizes Duke Fence to install the fencing around the inclusive playground at Town Hall for an amount not to exceed \$10,150; and it is

**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#207 - Hire Head Lifeguards – Lake Carmel Park District**

On the motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

**WHEREAS**, the Town of Kent is seeking to fill the summer positions of Head Lifeguard for the Lake Carmel Park District; and

**WHEREAS**, Joe Gervasi and Kaitlyn Smith have submitted applications which reflect the proper qualifications to fill the position of Head Lifeguard;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes the hiring of Joe Gervasi and Kaitlyn Smith as Head Lifeguards of the Lake Carmel Park District at a rate of \$15.00 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#208 - Hire Seasonal Park Maintenance Workers Lake Carmel Park District**

On the motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

**WHEREAS**, the Town of Kent is seeking to fill positions for Seasonal Maintenance Workers in the Lake Carmel Park District; and

**WHEREAS**, the Lake Carmel Park District Advisory Board has recommended the hiring of Nicholas Patrick Ferrara, Jose Christian Rodriguez, Robert Sarracco, and Ryan Edward Ferrara to fill the positions; and

**WHEREAS**, the Town Board believes it to be in the best interests of the Town to accept the recommendations; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes the hiring of the above referenced individuals as Seasonal Maintenance Worker at the rate of \$10.65 per hour for Nick Ferrara and Jose Rodriguez, and \$10.40 per hour for Robert Sarraca and Ryan Ferrara; 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#209 - Accept Quote for Removal of Dangerous Trees in the Lake Carmel Park District**

On the motion by Councilwoman McGlasson  
Seconded by Councilman Huestis

**WHEREAS**, on May 15, 2018, the Town of Kent was devastated by a severe storm, and was impacted by the touchdown of at least one tornado; and

**WHEREAS**, as a result of the storm, the Lake Carmel Park District requires the removal of all hazardous, downed and uprooted trees as a result of the above referenced storm; and

**WHEREAS**, General Municipal Law §103(4) exempts from public bidding requirements cases of a public emergency arising out of an accident or other unforeseen occurrence or conditions whereby circumstances affecting public buildings, public property or the life, health, safety or property require immediate action which cannot await competitive bidding or competitive offering; and

**WHEREAS**, the dangerous trees and fallen branches constitute an emergency requiring immediate remediation as they affect public buildings and public property and may result in the inability of emergency services in being able to reach a location to respond to an emergency; and

**WHEREAS**, the Lake Carmel Park District has requested three quotes for the removal of the trees and branches, the lowest of which being the quote of Al's Logging, Inc. at a cost of \$166,000.00; and

**WHEREAS**, the Town Supervisor has contacted the Governor's office and requested assistance from the State and/or Federal Government in remediating the dangerous situation; and

**WHEREAS**, the Town Board of the Town of Kent has reviewed the quotes, is aware of the dangerous trees and finds that the removal of the dangerous trees is an emergency which, for the safety of Town residents, need to be removed immediately, and the Town Board wishes to accept the quote submitted by Al's Logging, Inc. to remove the hazardous, downed and uprooted trees; and

**WHEREAS**, the Town Board wishes to ratify any actions taken by the Supervisor in requesting assistance from the State and/or Federal Government, and/or the towns insurance company and authorizes the Supervisor to take all necessary steps to obtain such assistance, if available, contingent to our insurance policy.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby approves removal of the damaged and dangerous trees from the Lake Carmel Park District by Al's Logging, Inc. for a cost not to exceed \$166,000, and authorizes the Supervisor to take any and all actions to obtain assistance from the State or Federal Government and our insurance company.

Motion carried unanimously

**Resolution#210 - Authorize Correction of Violation, Acceptance of Proposal, And Charge to Property Owner TM #33.28-1-14**

On the motion by Councilwoman McGlasson  
Seconded by Councilwoman Woolley

**WHEREAS**, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation dated December 5, 2017(the "Order to Remedy") directing the owner to from the exterior of the property identified as 46 Vernon Drive, Tax Map No. 33.28-1-14 (the "Property"); and

**WHEREAS**, the Order to Remedy requires the owner to correct the violations or respond to the Code Enforcement Office within ten days and, to date, the owner of the Property has not responded; and

**WHEREAS**, pursuant to Chapter 55A of the Town Code of the Town of Kent regarding "Property Maintenance", upon the failure of any owner to comply, the Building Inspector is authorized to correct a violation subject to the approval of the Town Board; and the Town Board wishes to authorize the Building Inspector to correct the violation; and

**WHEREAS**, consistent with the Town's Procurement Policy, the Town of Kent requested three written proposals from contractors to correct the violation on the Property and received

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one proposal in response from F.I. Adams in the amount of \$500, a copy of said proposal is annexed hereto and incorporated by reference; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts the bid of FI Adams for the correction of the violation at a cost not to exceed \$500; and

**FURTHER RESOLVED**, that the actual cost of the correction of the violation, plus the accrued legal rate of interest from the date of completion of the work, shall be charged to the property owner by the Town in accordance with Chapter 55A-12(B).

Motion carried unanimously

**Resolution#211 - Authorize Town Clerk to Advertise For Bids for Repairs to Library Stairs**

On the motion by Councilwoman Woolley

Seconded by Councilman Huestis

**WHEREAS**, the steps and sidewalks in need of repair on the exterior of the Kent Library are in need of repair; and

**WHEREAS**, the Town Board of the Town of Kent wishes to authorize its Town Clerk, Yolanda D. Cappelli, to advertise for bids to repair the steps and sidewalks at the Library;

**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 to repair the exterior Library steps.

Motion carried unanimously

**Resolution#212 - Authorize Operating Permit for Fireworks Extravaganza**

On the motion by Councilwoman Woolley

Seconded by Supervisor Fleming

**WHEREAS**, pursuant to Chapter 38 of the Code of the Town of Kent, no event that uses pyrotechnic devices in assembly occupancies may be conducted in the Town of Kent without first applying for a permit from the Town Board; and

**WHEREAS**, Fireworks Extravaganza has submitted an application to conduct an event including pyrotechnic devices, in the form of fireworks, at 247 Lakeshore Drive East, Carmel, New York on June 30, 2018 and proposes a rain date of July 7, 2018; 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 an operating permit to Fireworks Extravaganza to conduct a fireworks display at 247 Lakeshore Drive East, Carmel, New York on June 30, 2018 and proposes a rain date of July 7, 2018.

Motion carried unanimously

**Resolution#213 - Approval of Vouchers and Claims**

On the motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: All vouchers and claims submitted be approved. Voucher #200146196-200146367 in the amount of \$134,015.25

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1. Arkel Motors, Inc.	\$8,015.21	Truck Parts
2. Bill Henry Tree Service, Inc.	\$2,250.00	Tree Removal
3. Brewster Ford	\$2,602.00	Auto Parts
4. City Carting	\$7,856.33	Lake Carmel Garbage
	\$6,144.07	
	\$4,257.21	
5. Dutchess Metal Supply	\$16,680.00	Kent Shore Bridge
6. Genserve, Inc.	\$4,690.00	Generators Service
7. H.O. Penn Machinery	\$2,605.55	Truck Parts
8. Intercounty Paving	\$244,797.51	Paving: White Pond Road,
contingent upon the authorization from Highway Superintendent Othmer.		

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9. NYCOMCO	\$2,664.00	2 Way Radios: Police
10. Purchase Power	\$2,000.00	Postage
11. ServePro	\$15,579.84	Biohazard Clean-up
12. Windstream	\$3,935.91	Telephone Service

Motion carried unanimously

**Resolution #214 - Add Item to Agenda**

On a motion from Supervisor Fleming

Seconded by Councilwoman Woolley

Resolved: An item was added to the agenda to authorize the Supervisor to sign the annual MS4 Stormwater Report.

Motion carried unanimously.

**Resolution# 215 - Authorize Supervisor to sign MS4 Report**

On a Motion by Supervisor Fleming

Seconded by Councilwoman Woolley

Resolved: Town Board authorized the Supervisor to sign the annual MS4 Stormwater report submitted by Bruce Barber.

Motion carried unanimously.

**Correspondence**

**Public Comment**

A resident asked the Town Board to consider taking advantage of every opportunity (contracts, franchise agreements, comprehensive plan etc.) to require that the utility cables be buried in order to avoid damaging otherwise vulnerable utility lines. He urged the Town Board to design the future of the Town so as to make utility outages less likely.

**Resolution #216 Adjourn Town Board Meeting**

On a motion by Councilman Huestis

Seconded by Councilwoman McGlasson

Resolved: Town Board meeting was adjourned at 9:50 p.m.

Motion carried unanimously.

Submitted by Nancy Tagliafiero, Town Counsel

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