

TOWN BOARD MEETING DECEMBER 18, 2018

A regular meeting was held on Tuesday December 18, 2018 at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York, 10512.

Resolution #446- Adjourn to Executive Session

On a motion by Supervisor Fleming

Seconded by Councilwoman Woolley

Resolved: The Town Board adjourned to Executive Session at 6:30 p.m. to discuss collective negotiations pursuant to Article fourteen of the Civil Service Law and the medical, financial, credit or employment history of a particular person or corporation and current litigation.

Motion carried unanimously

Resolution #447 – Close Executive Session

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: Executive Session adjourned at 7:20 p.m. no action was taken.

Motion carried unanimously

Supervisor Fleming explained the executive session went longer than expected, no action was taken.

Resolution #448 - Open Public Hearing on the Lake Carmel Fire Department Contract

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson & Councilman Huestis

Resolved: The Public Hearing on the Lake Carmel Fire Department was opened.

Motion carried unanimously

Lake Carmel Fire Department Public Hearing

Newly elected President of the Lake Carmel Fire Department Bill Walters was present to reopen the line of communication with the newly elected members of the LCFD and the Town Board.

He said the proposed budget has been resubmitted with the same figures, he does not have permission from the membership or the board to change them. The LCFD membership and board were animate as to why the Town Board changed the numbers, if it wasn't acceptable it should have been rejected. He explained through some miscommunication that did not transpire and he is present tonight to open the lines of communication. Supervisor Fleming said the LCFD Public Hearing was open for a three meetings unfortunately without representation from the LCFD. She explained by law the 2019 Budget had to be adopted by November 20, 2018.

Without anyone present from the LCFD the Town Board with much discussion had no choice but to come up with numbers to finalize the Town Budget. She said questions were submitted to the LCFD and answers were received on some and not all. She said as discussed the Town Board was not advised that they should have formally rejected the contract. Bill Walters explained the LCFD biggest argument is if you didn't like the number you have the right to reject it and would reopen negotiations again, they did not like that a number was put in that changes the contract. Supervisor Fleming said she had made it known the number was unacceptable, there was no attempt to negotiate, and they were never provided with alternatives. It was either come up with a number or not put a number in which would have been terrible for the town and the LCFD that was not an alternative anyone would have wanted. Bill Walters stated there is about a \$17,000 difference, the issue is the unforeseen state mandated costs this year and also next year pertaining to the Cancer Bill. He understands some of the numbers provided for the Cancer Bill were wrong they have now been revised which are much higher. They now have a head count of 70 who will be needing the coverage and know the insurance cost is \$199.00 per individual for a total of \$14,000. to be paid at the end of this year. Justin Lewis, Assistant Fire Chief said the State put out a RFP and three insurance companies responded VFIS, the Hartford Ins. Co and ESIP. After researching VFIS and ESIP require a record of your physical when you joined the fire department when making a claim. He said the bill covers current firefighters and those from 1970. Those who joined in 1970 will not have their initial physical which means they can be denied their claim coverage. He said although the cost for VFIS is \$137.00 they have the ability to deny claims. In addition both VFIS and ESIP require a yearly 10 page OSHA check off as part of the medical file if not the claim can be denied. VFIS and ESIP both do not cover lung cancer, it is currently covered under the Volunteer Fire Benefit Law and or Workers Compensation, however in 2020 VFBL and Workers Comp are getting out of the lung cancer business. He said the two out of the three companies in 2020 will not be able to cover lung cancer. He said the Hartford policy is \$199.00 a member but are covering all forms of cancer,

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their policy being more liberal. In order to be covered under these bills you have to go for fit testing, which is sizing for the face piece you wear when you fight a structural fire along with an annual medical. The LCFD has to provide a physical to every member every year to be covered, the things covered in the physical are hearing, vision, and a spirometry test done by an occupational doctor costing \$300 a member plus \$200 for the Cancer Insurance. He said some tests can be done by your regular doctor. He said if the member is there 5 years and then leaves the department they have to insure them for an additional 5 years unless they join another fire department this is a state mandate. Councilman Huestis asked if surrounding departments are going with Hartford suggesting a better price. Justin Lewis replied it seems to be the direction and this applies to the entire state. Councilman Huestis understands how important this Cancer Bill is, he asked the new board to look at the budget and where possibly you can save some money maybe in a different area. Justin Lewis said if the bill is amended to include additional members you will be adding an additional 29 members to this. The physicals are costing \$25,000 this year. Councilman Huestis said from the recent tornados he is concerned and scared of the down dead trees all over town raising concerns of fire. Councilman Denbaum said most of the members have normal health benefit and asked if this is a supplement health insurance. Justin Lewis replied yes, your insurance company will pay for your medical bills this is about supplementing your income. Bill Walters said there is a higher rate of prostate and ovarian cancer for firefighters due to the turnout gear. Councilman Denbaum said the mandate that needs to be provided can be achieved for \$130 and the one having more benefits can be purchased for \$70 more per member. Supervisor Fleming said the board received the 2016 and the 2017 LCFD Audits, they showed there was some wiggle room. She is hopeful that you can work with the number that is in the budget for 2019 and next year when preparing the 2020 Budget we can have these meetings early to sit down and not an issue in December. She said at this point their hands are tied to the number in the budget. Justin Lewis said this Bill will require them to also purchase additional equipment. Bill Walters said they are not using tax dollars for fund raising. He looks forward to working with the board in the late summer early fall to work on the 2020 budget issues. He said the Bill will drive proper masks, they have changed some procedures; after a call firefighters are cleaned down before they get back on the trucks, they have changes their SOPs to wash their turnout gear after they come back to remove the contaminants. Supervisor Fleming asked where we go from here. Bill Walters said now that he knows the numbers submitted have been rejected he will go back to the LCFD Board with a new figure. Councilman Denbaum asked about the County radio project. Bill Walters said the LCFD was planning ahead moving money to the line, so if and when that program does happen it will cost \$50,000 - \$75,000 to outfit their trucks with the new radios. Supervisor Fleming explained that was left in the LCFD's budget but earmarked for radios. Bill Walters said years ago the County did have the radios in all the trucks; they do pick up one radio in the Chief's car. Justin Lewis understood a request was made to the County Legislature for radios for the Chief's car, ambulance and rescue and your first two engines, but the balance of the equipment will not be covered. He said there is still other equipment needing the proper communication to do their job. Councilwoman Woolley asked about their balance. Bill Walters replied a little over \$100,000 but next week he will pay out \$90,000 to make the Cancer Bill work and LOSAP. He said whatever they save buys new apparatus and major repairs to the building, this year they replaced the roof for \$45,000 not budgeted for. There were no further questions.

Resolution #449 - Adjourn Public Hearing on the LCFD Budget

On a motion by Supervisor Fleming

Seconded by Councilwoman Woolley

Resolved: The Public Hearing on the Lake Carmel Fire Department Contract was adjourned until January 8, 2019.

Motion carried unanimously

Pledge of Allegiance Supervisor Fleming called the Workshop Meeting to order with the Salute to the Flag at 8:10 p.m.

Workshop Meeting

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

Public Comment

Supervisor Fleming announced tonight is Councilwoman Woolley's last night on the Town Board she had an interim appointment. There was an election Chris Ruthven will be joining them in January. She said Chris has been splendid on the board and thanked her on behalf of the other town board members and the town for her service. Councilwoman Woolley said it has

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been a pleasure and thanked the board. Councilman Denbaum was glad Chris was here, it wasn't planned for Scott to leave, but we had Chris with a tremendous amount of experience. He said for a seven month appointment you can't have someone who needs to get acclimated you need someone who knows what they're doing, it was perfect she added positively to every conversation about every issue. He will be sad to see her go. Councilman Huestis said Chris and her husband helped with beautification and are involved it was an eye opener getting a tour of Water District #1 and the area above the campus here that will need some help. She will be missed and thanked her for stepping in and helping them out.

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

Councilwoman Woolley – present

Also Present: Town Clerk Yolanda Cappelli, Police Chief Kevin Owens, Building Inspector Bill Walters and Co-Chairperson of Recycling Sue Kotzur, Town Counsel Jamie Spillane, and member of the LCPDAB Brett Harrison.

RESOLUTION #450 - APPOINTING MEMBER TO LAKE CARMEL PARK DISTRICT ADVISORY BOARD

INTRODUCED BY: Councilman Denbaum

SECONDED BY: Councilwoman Woolley

WHEREAS, the Lake Carmel Park District Advisory Board currently has a vacancy, and Robert Ulich has submitted an application seeking to fill said vacancy; and

WHEREAS, the Town Board of the of Kent wishes to appoint Robert Ulich to fill the vacancy on the Lake Carmel Park District Advisory Board;

NOW, THEREFORE, BE IT RESOLVED, that Robert Ulich be appointed to the Lake Carmel Park District Advisory Board for a term of 1 year, commencing on December 18, 2018 and terminating on December 31, 2019.

Motion carried unanimously

RESOLUTION #451 - AUTHORIZING TOWN CLERK TO ADVERTISE FOR MECHANIC AND A WELDER MECHANIC

INTRODUCED BY: Councilman Denbaum

SECOND BY: Councilwoman McGlasson

WHEREAS, the Town of Kent is seeking to fill the position of Mechanic and Welder Mechanic in the Municipal Repairs 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 Mechanic and Welder Mechanic position for the Town of Kent Municipal Repairs Department.

The Advertisement for the Welder Mechanic position not take place until 5 days after the internal position and notification from the Supervisor or Town Attorney when the period has expired.

Motion carried unanimously

RESOLUTION #452 - ACCEPTING PROPOSAL FOR REPAIR TO TOWN HALL MAINTENANCE SHED

INTRODUCED BY: Councilman Denbaum

SECOND BY: Councilwoman Woolley

WHEREAS, the roof of the Town Hall maintenance shed is in need of repair; and

WHEREAS, the Town of Kent requested three quotes for the repair and received two quotes in response; and

WHEREAS, Steve Zamborsky has submitted the lowest quote in the total amount of \$1,500; and

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WHEREAS, the Town Board of the Town of Kent wishes to accept the quote submitted by Steve Zamborsky;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the proposal of Steve Zamborsky to repair the roof of the Town Hall maintenance shed for a total cost not to exceed \$1,500; 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 #453 - AUTHORIZING CORRECTION OF VIOLATION, ACCEPTANCE OF PROPOSAL& CHARGE TO PROPERTY OWNER TM # 33.65-1-36

INTRODUCED BY: Councilwoman McGlasson

SECOND BY: Councilwoman Woolley

WHEREAS, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation dated July 5, 2018 (the "Order to Remedy") directing the owner to remove dangerous trees from the exterior of the property identified as 8 Teatown Court, Kent, New York, Tax Map No. 33.65-1-36 (the "Property"); and

WHEREAS, by Resolution dated August 15, 2018, the Town Board authorized the Code Enforcement Officer to correct the violation and charge the costs of same against the Owner; and

WHEREAS, the Order to Remedy requires the owner to correct the violations or respond to the Code Enforcement Officer within ten days and, to date, the owner of the Property has not responded, but has removed one of the two dangerous trees from the Property; 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 or Code Enforcement Officer is authorized to correct a violation subject to the approval of the Town Board; and the Town Board wishes to authorize the Building Inspector or Code Enforcement Officer to correct the violation for the dangerous tree remaining on the Property; 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 two proposals in response, copies of said proposals are annexed hereto and incorporated by reference; and

WHEREAS, Larry Reynolds Tree Service, Inc. submitted the lowest proposal in the amount of \$975.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby accepts the bid of Larry Reynolds Tree Service, Inc. for the correction of the violation at a cost not to exceed \$975; 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 #454 - REGARDING INSURANCE RENEWAL TOWN OF KENT

INTRODUCED BY: Councilwoman McGlasson

SECOND BY: Councilwoman Woolley

WHEREAS, the Town's worker's compensation insurance policy is in need of renewal; and

WHEREAS, the Town Board is in receipt of a 2018-2019 Insurance Proposal from

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the Spain Agency (the "Proposal"); and

WHEREAS, the Proposal details the cost for renewal of the worker's compensation insurance policy, a copy of which Proposal is annexed hereto and incorporated by reference herein; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent approves and accepts the Proposal from Spain Agency to renew its worker's compensation policy for an annual premium cost of \$293,516.00; 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 #455 - ACCEPTING PROPOSAL FOR GENERATOR MAINTENANCE SERVICES

INTRODUCED BY: Councilwoman McGlasson

SECOND BY: Councilwoman Woolley

WHEREAS, the Town Board of the Town of Kent wishes to contract for generator maintenance services for generators as annexed hereto; and

WHEREAS, in accordance with the Town's Procurement Policy, the Town Board requested proposals for generator maintenance services, and has received one written proposal in response to such request, copies of which are annexed hereto and incorporated herein by reference; and

WHEREAS, Gen Serve has submitted the lowest proposal dated 11/01/2018 in the amount set forth in the resolution annexed hereto and the Town Board of the Town of Kent wishes to accept the proposal submitted by Gen Serve.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves the proposal for generator maintenance services as annexed hereto in the amount annexed hereto 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 # 456 - TRANSFER EMPLOYEE FROM HIGHWAY DEPARTMENT TO SANITATION DEPARTMENT

INTRODUCED BY: Councilwoman Woolley

SECOND BY: Councilwoman McGlasson

WHEREAS, the Town of Kent is seeking to fill the position of Laborer for the Town Sanitation Department; and

WHEREAS, Robert Fulling is currently employed as a Temporary MEO for the Highway Department; and

WHEREAS, the Town wishes to transfer Mr. Fulling from a temporary position as an MEO for the Highway Department to a permanent position as a Laborer for the Sanitation Department;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the transfer of Robert Fulling from the Highway Department to the Sanitation 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

RESOLUTION #457- AUTHORIZING CARRY OVER OF VACATION TIME

INTRODUCED BY: Councilwoman Woolley

SECONDED BY: Councilwoman McGlasson

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WHEREAS, the Confidential Secretary to the Town Supervisor, Tamara Harrison, has not used all of her allotted vacation time and has requested that her remaining vacation time be carried over into 2019; and

WHEREAS, the Town Board wishes to authorize that any remaining vacation time for the year 2018 due to Ms. Harrison be carried over into the 2019 calendar year.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the carryover of any outstanding vacation time of Ms. Harrison as of December 31, 2018 into the 2019 calendar year.
Motion carried unanimously

RESOLUTION #458 - ADD TO THE AGENDA

INTRODUCED BY: Supervisor Fleming
SECONDED BY: Councilman Denbaum
RESOLVED: Advertise for MEO position in the Highway Department was added to the agenda.
Motion carried unanimously

RESOLUTION #459 - ADVERTISE FOR MEO POSITION

INTRODUCED BY: Supervisor Fleming
SECONDED BY: Councilman Denbaum
RESOLVED: The Town Clerk is authorized to advertise for the position of MEO position once the internal posting has lapsed for the 5 day posting.

RESOLUTION #460 - VOUCHERS AND CLAIMS

INTRODUCED BY; Councilman Denbaum
SECONDED BY: Supervisor Fleming

All vouchers #200148826 - #200148946 and claims submitted by:

1. City Carting	\$6,191.28	Lake Carmel Garbage
	\$7,491.05	
	\$4,956.46	
2. Custom Bandag, Inc.	\$5,521.64	Tires
	\$3,873.23	
3. Doherty Electrical Contracting	\$11,035.00	Wiring Recycling Building
4. Kent Seniors	\$3,192.50	Senior Trips
5. Meadowlands of Carmel	\$2,752.84	Auto Parts
6. NYCOMCO	\$2,671.00	2 Way Radios: Police
7. Royal Carting	\$4,917.01	Recycling Garbage
8. Spain Agency	\$65,789.60	Insurance Installment
9. Steve Zamborsky, Inc.	\$2,800.00	Beach 3 Lifeguard Hut
	\$2,200.00	Valve House Repair
10. Town of Kent Municipal Repairs	\$2,243.10	Chargebacks: Police
	\$9,248.27	Chargebacks: Sanitation
11. Windstream	\$3,901.96	Telephone Service
12. Robert Green Truck Division	\$22,933.03	2019 Jeep Latitude
13. TOK Municipal Repairs	\$19,155.81	Monthly Chargebacks Highway

In the amount of \$195,639.94 may be paid.
Motion carried unanimously

Correspondence -Attached

Public Comment

Bob Ulich asked if the charges from the tree work are being reimbursed by insurance. Supervisor Fleming replied yes, the Lake Carmel Park District has also been reimbursed for the tree damage already.

RESOLUTION # 461 - ADJOURNMENT

INTRODUCED BY: Councilman Huestis
SECONDED: Supervisor Fleming

Resolved: The Town Board meeting of December 18, 2018 adjourned at 8:45 p.m.

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Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli
Town Clerk