

TOWN BOARD MEETING OF OCTOBER 23, 2018

At 6:00 p.m. the Town Board held a budget workshop at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York, 10512.

At 7:00 p.m. the regular Town Board meeting was held.

Resolution #363 - Re-Open Public Hearing – Demolition of 278 Lakeshore Drive East

On a motion by Supervisor Fleming

Seconded by Councilwoman Woolley

Resolved: The Public Hearing on the demolition of 278 Lakeshore Drive East was opened.

Motion carried unanimously

Building Inspector Walters appeared before the board explaining the home has been vacant for a number of years, steadily declining with the addition of a tree on it. The owner has been negligent keeping up with the maintenance on the home. He said the building is unsafe and needs to be taken down. He presented two proposals for the removal of the unsafe structure. One from Hickory Homes in the amount of \$29,000 the second from Fred Adams in the amount of \$14,500. The building inspector recommended Fred Adams to remove the structure before winter. Supervisor Fleming asked for further comment there was none. Councilman Huestis spoke with neighbors and visited the home he agreed with the building inspector. There were no further comments on the demolition of 278 Lakeshore Drive East.

Resolution #364 - Close Public Hearing – Demolition of 278 Lakeshore Drive East

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The public hearing on the demolition of 278 Lakeshore Drive East was closed.

Motion carried unanimously

Resolution #365 - Re-Open Public Hearing – Demolition of 24-26 Whangtown Road

On a motion by Supervisor Fleming

Seconded by Councilwoman Woolley

Resolved: The Public Hearing on the demolition of 24-26 Whangtown Road was opened.

Motion carried unanimously

Building Inspector Walters explained the barn has been in disrepair for a number of years. After the May storm it got progressively worse blowing out walls allowing visibility of the actually decaying internal parts of the structure and sagging roof. He said prior to this in 2016 he worked with the owner on a previous building at this address in disrepair, he was advised if things were not addressed the barn would be going down the same path. He said the building is unsafe the walls are leaning, the concrete walls have deteriorated. He has received many complaints, it is unsafe and unsightly. He has two proposals for the removal; one is from Hickory Homes in the amount of \$11,175. The second from Fred Adams in the amount of \$16,500. He recommended Hickory Homes. Councilman Huestis said it's a major eyesore, he found files back to 2016 the building inspector stated this will be next. He said it is dangerous. The owner was not present. Supervisor Fleming said at the last public hearing Mr. Lafranchi spoke about alternatives, she noted she was not contacted by him. Building Inspector Walters stated the same. Councilwoman Woolley suggested he contact a contractor who would pay him to take down the barn and pay him for the wood from old barns. She too agreed it was in bad shape. Mr. John Christenson, President of the Kentwood Lake Homeowner's Association was present with residents occupying the last two rows who are in support of having the barn taken down. It has been eyesore for as long as people can remember getting steadily worse, children play there, if they should enter the barn it is filled with debris he is concern they will come out. He spoke to the owner a few times, he says he is going to fix it will take care of it, but it's gone on, for a very long time, nothing has been done which brings us here. He hopes it can be resolved. He discussed additional zombie homes in the area. Annmarie Baisley thanked Bill Walters and Bill Looney for the great job they are doing. There were no further comments.

Resolution#366 - Close the Public Hearing – Demolition of 24-26 Whangtown Road

On a motion by Supervisor Fleming

Seconded by Councilwoman Woolley

Resolved: The public hearing on the demolition of 24-26 Whangtown Road was closed.

Motion carried unanimously

Resolution #367 – Open Public Hearing – Lake Carmel Fire Department Contract

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

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Resolved: The Public Hearing on the Lake Carmel Fire Department Contract was opened.
Motion carried unanimously

Supervisor Fleming explained this was placed on the agenda, but they are still working on the numbers in the contract. She hopes to have an additional budget meeting with the fire department. She proposed to have it at the same time we have the Preliminary Budget hearing, if acceptable this public hearing will be adjourned until we have a contract from the Lake Carmel Fire Department with the new numbers. Councilman Huestis said he has the audit report and everything seems satisfactory, he looks forward to discussing the next two year contract.

Resolution #368 - Adjourn the Public Hearing – Lake Carmel Fire Department Contract

On a motion by Supervisor Fleming

Seconded by Councilwoman Woolley

Resolved: The public hearing on Lake Carmel Fire Department Contract was adjourned until November 8th, 2018.

Motion carried unanimously

P ledge of Allegiance Supervisor Fleming called the Workshop Meeting to order with the Salute to the Flag at 7:20 p.m.

Workshop Meeting

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

Public Comment

Katherine Doherty stated when she was Supervisor the board passed a property maintenance code. She said you do get the money back but the bill must be filed with the county, you do not have to do a tax lien. As a property and business owner she raised concerns about the \$400,000 lawsuit in the Sewer District which was filed twice and lost twice. She asked when and how it will be paid. She asked if Councilman Denbaum holds any meetings. Councilman Denbaum replied meetings have not been held. He said they are still negotiating during this point of litigation. Once negotiations are complete and once determination is made whether there is or is not going to be a payout the taxpayers will be advised of the terms and exact amount. Councilman Denbaum said the initial meetings were held to get it off the ground, the members have dropped out and there is nothing to do, it runs. There is no agenda to move forward, it operates. Mrs. Doherty thought there should be an advisory committee and meetings held quarterly, property owners within the district need to know what's going on regarding problems, lawsuits, they were dragged into a lawsuit that maybe the residents did not want to get into. She said you were advised by an attorney to pay it yet you continue to on with a lawsuit. Councilman Denbaum replied they were not there during the phase of the project where we were advised what to do by counsel, they followed advice of counsel. Mrs. Doherty questioned if there was a letter by counsel advising them to pay Merritt Construction. Councilman Denbaum replied the board since 2014 with a different composition at that time discussed the matter with the town attorney and proceeded accordingly, it is a matter of confidential litigation doing what is best for the taxpayers. Mrs. Doherty replied not if you make it unaffordable there will be no business along Route 52. Councilman Denbaum responded that he did not create this boondoggle of a system. Mrs. Doherty replied it is not a boondoggle, it was needed to bring business here, she said it is your opinion, that is way we are in this lawsuit, as a taxpayer you are not doing what is best for them, you need to pay the lawsuit and stop the interest. Councilman Denbaum said there is mischaracterization of what has happen in town board meetings with their attorney, he has put his record before the voters after this has happen and got elected, he will not be up for election again, he put a term limit that we do not have people being reelected, he is proud of his record, the sewer district was put in place not by him or anyone on the board, the sewer rents being paid are paid by 40-50 parcels that are too small to support a commercial sewer district, this is one issue he ran on that the sewer district was a bad idea, and he got elected based on that. He said no business has been generated people have actually moved out because of the sewer district.

A resident of Kentwood Lake Michael Lento presented a current problem he sees happening within the lake communities where investors are buying foreclosures, vacant homes etc. most within an R-40 district, and most non-conforming grandfathered lots. The investors are knocking them down and building homes twice as big. It is allowed because a home was there already. He has read the Town Code on non-conforming use and it is not specific as to what you can and cannot do. He said other towns have taken an extra step by establishing lake communities as a conservation district to help preserve the districts. They require tear downs to be treated as major zoning variances, requiring a built house on a non-conforming lot to be within the same footprint. He said we do not have that within our code. He said it is not the planning boards' job and should go to the zoning board. He said the investor

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does not have to go to the zoning board; they do whatever they want unless they encroach on setbacks. He would like the board to consider his suggestions. Supervisor Fleming this is the first time this has been presented to the board. Building Inspector Walters thought it a great idea, there are things in the Zoning Code that need to be updated, he thought his suggestion should go to the Zoning Board for review and then brought to the Town Board. Supervisor Fleming thought if it has become an issue it's something the Zoning Board could recommend. Councilman Huestis thought it might help with some of the close homes within Lake Carmel. Councilman Denbaum is in favor of reviewing it but thought it needs to be done delicately, when you have extensive requirements on tear downs the building does not get torn down, you might want to have an attractive home rather than a vacant home. A discussion took place about limiting the scope, and about going before the zoning board.

Mr. Christianson reported another property within their community 31 Kentwood Drive, which is littered with garbage and debris and not being maintained the lawn is 2' high. He said it is a nuisance an eyesore. The board said the Code Enforcement would look into it.

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, Highway Superintendent Richard Othmer, and Receiver of Taxes Jean Johnson, Building Inspector Bill Walters, Town Attorney Nancy Tagliafierro, Chief Kevin Owens, Chairperson of Lake Carmel Park District Madigan, and Chairperson of Lake Carmel Community Center Pat Ravert, Former Town Supervisors Annmarie Baisley and Katherine Doherty.

Resolution#369 - Accept Proposal for Tax Receiver Software Upgrade

On a motion by Councilman Denbaum
Seconded by Councilwoman McGlasson

WHEREAS, by email dated October 22, 2018, Jean Johnson, the Town Receiver of Taxes informed the Town of a substantial increase to the cost of the current software used by the Receiver; and
WHEREAS, Ms. Johnson provided a quote for a new software provider, Business Automation Services ("BAS") which provides the software for all other Town Departments; and
WHEREAS, Ms. Johnson has recommended that the Town accept the quote of BAS to provide software for a cost of \$17,400 for the first year and \$ 4,200 for annual support and yearly maintenance; and
WHEREAS, the proposed purchase meets the definition of a "Sole Source Contract" as defined in the Town's Procurement Policy since the proposed vendor is the only viable source for the commodities and/or services needed given the proprietary nature of the software system; and
WHEREAS, the Town Board of the Town of Kent wishes to accept the proposals submitted by BAS;
NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the proposal of BAS to provide the software consistent with said proposal; 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 #370 - Accept Donations for Lake Carmel Tree Planting Initiative

On a motion by Councilman Denbaum
Seconded by Councilwoman McGlasson

WHEREAS, by Resolution dated July 24, 2018, the Town Board authorized the establishment of a trust fund to hold donations received on behalf of the Lake Carmel Tree Planting Initiative; and
WHEREAS, the Town of Kent has received the following donations in honor of Jessie Huestis:

Joan and Jim Dusenbury \$ 50.00
The Pfisters, Waltons and Shirleys \$ 250.00; and

WHEREAS, the Town wishes to accept the donations, with gratitude, to be held in the trust as set forth above.

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NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby accepts the donations in honor of Jessie Huestis with thanks to the Dusenburys, Pfisters, Waltons and Shirleys for their generosity; 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 #371 - Accepting Proposal for Repair to Roofs for Lake Carmel Park District

On a motion by Councilman Denbaum

Seconded by Councilwoman Woolley

WHEREAS, by email dated October 10, 2018, the Lake Carmel Park District (the "LCPD") informed the Town Board of the need for repairs to the roof at the Lake Carmel Valve House and the Lifeguard Shack at Beach 3; and

WHEREAS, the LCPD requested quotes to repair the roofs and received a response from one contractor; and

WHEREAS, Steve Zamborsky has submitted the sole and therefore lowest proposal for the repairs in the total amount of \$5,000; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the proposal 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 roofs at the Lake Carmel Valve House and the Lifeguard Shack at Beach 3, consistent with the attached proposal; 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 #372 - Accepting Proposal for Oil Tank for Lake Carmel Park District Community Center

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

WHEREAS, the Lake Carmel Park District Community Center is in need of a replacement oil tank; and

WHEREAS, the Town requested quotes to replace the oil tank and received three quotes in response; and

WHEREAS, Mirabito Energy Products has submitted the lowest quote to replace the oil tank for a total cost of \$2,825; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the quote by Mirabito Energy Products;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the proposal of Mirabito Energy Products to replace the oil tank at the Lake Carmel Park District Community Center, consistent with the attached proposal; 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 #373 - Accepting Proposal for Chimney Repair Lake Carmel Community Center

On a motion by Councilman Denbaum

Seconded by Councilwoman Woolley

WHEREAS, the chimney at the Lake Carmel Park District is in need of repair; and

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WHEREAS, the Town of Kent requested quotes for the repair and received one quote for the labor and one quote for the materials; and

WHEREAS, M. Farina Construction Corp. has submitted the lowest proposal for the labor in the total amount of \$3,200; and

WHEREAS, Bedford Stone has submitted the lowest proposal for all the materials in the total amount of \$2,050.64; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the proposals submitted by M. Farina Construction Corp. and Bedford Stone;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the proposals of M. Farina Construction Corp. and Bedford Stone to repair the Chimney at the Lake Carmel Park District Community Center for a total cost not to exceed \$5,250.64; 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 #374 - Accepting Members to the Lake Carmel Fire Department

On a motion by Councilwoman McGlasson

Seconded by Councilwoman Woolley

WHEREAS, the Lake Carmel Fire Department has recommended the acceptance of Havin McGeady as a new member 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 Havin McGeady as a member of the Lake Carmel Fire Department; 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, consistent with the terms hereof and in such form as is satisfactory to the Town Supervisor and the Town Attorney.
Motion carried unanimously

Resolution #375 - Setting Standard Work Day for Elected & Appointed Officials

On a motion by Councilwoman McGlasson

Seconded by Councilwoman Woolley

WHEREAS, the Town of Kent wishes to establish a standard work day for its elected & appointed officials;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Kent hereby establishes the standard work days for its elected and appointed officials as set forth on the attached schedule and will report days worked to the New York State and Local Employee's Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body.
Motion carried unanimously

Resolution #376 - Accept Bid for Generator for Highway Department

On a motion by Councilwoman McGlasson

Seconded by Councilman Denbaum

WHEREAS, the Highway Department duly advertised for bids for a new generator for the highway garage located at 301 Smokey Hollow; and

WHEREAS, one bid was received in response to the advertisement and the bid was opened and publicly read at the Kent Town Center;

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WHEREAS, DiBella Electric of Brewster, New York submitted the lowest bid in the amount of \$25,635.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby awards the bid for a new generator for the highway garage located at 301 Smokey Hollow to DiBella Electric for a cost not to exceed \$25,635; 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.

Roll Call:

Councilman Denbaum – nay

Councilwoman McGlasson – nay

Councilman Huestis – aye

Councilwoman Woolley – abstain

Supervisor Fleming – aye

Motion not carried

Resolution #377 -Accept Bid for Gasoline Tank for Highway Department

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

WHEREAS, the Town of Kent duly advertised for bids for a 500 Gallon Gasoline Tank for the highway garage located at 301 Smokey Hollow; and

WHEREAS, one bid was received in response to the advertisement and the bid was opened and publicly read at the Kent Town Center;

WHEREAS, American Petroleum Equipment & Construction Co., Inc. of Walden, New York submitted the sole and therefore lowest bid in the amount of \$25,138.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby awards the bid for a 500 Gallon Gasoline Tank for the highway garage located at 301 Smokey Hollow to American Petroleum Equipment & Construction Co., Inc. for a cost not to exceed \$25,138; 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.

Roll Call:

Councilman Denbaum – nay

Councilwoman McGlasson – aye

Councilman Huestis – aye

Councilwoman Woolley – abstain

Supervisor Fleming – aye

Motion carried

Resolution # 378 - Authorizing Tub Grinder Rental for Landfill

On a motion by Councilwoman McGlasson

Seconded by Councilwoman Woolley

WHEREAS, there is a need for the rental of a Tub Grinder for the breaking down of large debris at the Town of Kent Landfill; and

WHEREAS, by Resolution No, 357 dated 11/14/17, the Town Board previously awarded the bid for rental of the Tub Grinder in the amount of \$4,000 a day; and

WHEREAS, according to the Highway Department, there is a need for five additional days in order to break down all the large debris at the Town of Kent Landfill; and

WHEREAS, the Town wishes to authorize the Town of Kent Highway Department to rent the Tub Grinder for up to an additional five days at a cost not to exceed \$20,000;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Town Highway Department to rent the Tub Grinder and approves the expenditure for a sum not to exceed \$20,000.

Motion carried unanimously

Resolution #379 - Award Bid for Well & Water Testing Landfill

On a motion by Councilwoman Woolley

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Seconded by Councilwoman McGlasson

WHEREAS, the Town of Kent duly advertised for bids for water testing at the Ressique Street Landfill in the Town; and

WHEREAS, one bid was received in response to the advertisement and the bid was opened and publicly read aloud at the Kent Town Center; and

WHEREAS, Phoenix Environmental Laboratories, Inc. of Manchester, Connecticut submitted the sole bid in the amount of \$5,290 and was therefore the lowest bidder; and

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby accepts the bid of Phoenix Environmental Laboratories, Inc. for water testing at the Ressique Street Landfill; 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.
Motion carried unanimously

Resolution #380 - Authorizing Correction of Violation, Acceptance of Proposal & Charge to Property Owners TM#33.56-1-20 & TM#33.65-1-36

On a motion by Councilwoman Woolley
Seconded by Councilwoman McGlasson

WHEREAS, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation directing the owners to remove rubbish and debris from the exterior of the property identified as 24 Chauncey Road, Kent, New York, Tax Map No. 33.56-1-20 and 8 Tea Town Road, Kent, New York, Tax Map No. 33.65-1-36 (the "Properties"); and

WHEREAS, the Order to Remedy requires the owners to correct the violations or respond to the Code Enforcement Office within ten days and, to date, the owner of the Properties have 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 violations; and

WHEREAS, consistent with the Town's Procurement Policy, the Town of Kent requested three written proposals from contractors to correct the violations on 24 Chauncey Road, Kent, New York, Tax Map No. 33.56-1-20 received one proposal in response from F.I. Adams in the amount of \$1,800, and one proposal for 8 Tea Town Road, Kent, New York, Tax Map No. 33.65-1-36 from F.I. Adams in the amount of \$1,500, a copy of said proposal is annexed hereto and incorporated by reference; and

NOW, THEREFORE, BE IT RESOLVED, should the Property Owner fail to correct the violations by October 27, 2018, the Town Board of the Town of Kent hereby accepts the bid of FI Adams for the correction of the violations at a cost not to exceed \$3,300; and

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

Resolution #381 - Sexual Harassment Policy

On a motion by Councilwoman Woolley
Seconded by Councilman Denbaum

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WHEREAS, the Town of Kent is committed to maintaining a workplace free from sexual harassment; and

WHEREAS, in order to enforce this commitment the Town of Kent wishes to adopt a sexual harassment policy, a copy of which is annexed hereto and hereby made a part hereof.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby adopts the annexed Sexual Harassment Policy for All Employers in New York State; and

BE IT FURTHER RESOLVED, 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.

Roll Call:

Councilman Denbaum – voted yes because it is a state requirement to pass in October as understood. The policy is flawed on both ends, he thinks it would be a good idea for the board to revisit it and come up with a good policy toward this end, he will work with the town board and counsel to make sure that happens over the next few weeks and months.

Councilwoman McGlasson – aye, she agrees with Paul.

Councilman Huestis – aye, he agrees with Paul.

Councilwoman Woolley – aye, she agrees with Paul.

Supervisor Fleming – aye, she agrees with Paul.

Motion carried unanimously

Resolution #382 - Add two Items to the Agenda

On a motion by Supervisor Fleming

Seconded by Councilwoman Woolley

Resolved: Authorizing the correction of violation and acceptance of proposal and charge to property owner for Tax Map #33.26-1-46 and the authorizing the correction of violation and acceptance of proposal and charge to property owner for Tax Map # 11.20-1-36 were added to the agenda.

Motion carried unanimously

Resolution #383 - Authorizing Correction of Violation and Acceptance of Proposal & Charge to Property Owner Tax Map # 33.26-1-46

On a motion by Councilwoman Woolley

Seconded by Supervisor Fleming

WHEREAS, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation dated June 14, 2018 (the “Order to Remedy”) directing the owner to remove the unsafe structures on the premises identified as 278 Lakeshore Drive, Kent, New York, Tax Map 33.26-1-46 (the “Property”); and

WHEREAS, pursuant to Town Code Chapter 29, having had no response from the Owner, the Building Inspector advised the Town Board of the unsafe structure and the Board directed a Notice to be served at the last known address of the Owner advising the Owner that corrective measures must be begun within thirty days of service of the Notice; and

WHEREAS, the Notice was personally delivered to the last known address of the Owner of the Property on September 29, 2018, and to date, the Owner of the Property has made no efforts to correct the violation; and

WHEREAS, public hearing was held on this matter on October 2, 2018; and

WHEREAS, pursuant to Chapter 29 of the Town Code of the Town of Kent regarding “Buildings, Unsafe”, following a public hearing, 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 written proposals from contractors to correct the violation on the Property and received quotes in response to the request for, copies of which are annexed hereto and incorporated by reference; and

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WHEREAS, FI Adams and Properties Inc. has submitted the lowest proposal to remove the unsafe structures on the Property at a cost of \$14,500; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the proposal submitted by FI Adams in the amount of \$14,500;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the proposal of FI Adams. for the removal of the unsafe structure on the Property; 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 assessed and levied against the Property and collected by the Town in accordance with Chapter 29-10. Motion carried unanimously

Resolution #384 -Authorizing Correction of Violation, Acceptance of Proposal & Charge to Property Owner Tax Map #11.20—1-36

On a motion by Councilwoman Woolley

Seconded by Supervisor Fleming

WHEREAS, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation dated June 28, 2018 (the “Order to Remedy”) directing the owner to remove the unsafe structures on the premises identified as 24-26 Whangtown Road, Kent, New York, Tax Map 11.20-1-36 (the “Property”); and

WHEREAS, pursuant to Town Code Chapter 29, having had no response from the Owner, the Building Inspector advised the Town Board of the unsafe structure and the Board directed a Notice to be served at the last known address of the Owner advising the Owner that corrective measures must be begun within thirty days of service of the Notice; and

WHEREAS, the Notice was personally delivered to the last known address of the Owner of the Property on September 25, 2018, and to date, the Owner of the Property has made no efforts to correct the violation; and

WHEREAS, public hearing was held on this matter on October 2, 2018; and

WHEREAS, pursuant to Chapter 29 of the Town Code of the Town of Kent regarding “Buildings, Unsafe”, following a public hearing, 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 written proposals from contractors to correct the violation on the Property and received quotes in response to the request for, copies of which are annexed hereto and incorporated by reference; and

WHEREAS, Hickory Homes and Properties Inc. has submitted the lowest bid to remove the unsafe structures on the Property at a cost of \$11,175; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the proposal submitted by Hickory Homes and Properties Inc. in the amount of \$ 11,175;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the proposal of Hickory Homes and Properties Inc. for the removal of the unsafe structure on the Property; and

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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 assessed and levied against the Property and collected by the Town in accordance with Chapter 29-10.

Roll Call:

Councilman Denbaum asked the board to allow Mr. Lafranchi an opportunity to speak.

Mr. Lafranchi said he was before the board on the 2nd of October he had someone come out to look at it and is waiting for them to give him the final bill as to what it will be. He wants to fix the property, he came here last month he does not know why it is unsafe, because he hasn't done anything to it, and he said it is going to fall eventually but he intends to fix it before it falls. He said it was built approximately in 1840 he did some research on it and asked the board if they wanted to look at it. He said the ownership goes back before it was the Town of Kent. He would like to keep the barn and rehabilitate it. In the notice it was stated there was mice and rats, there are no mice there are no rats. He said the Building Inspector stated they would be on the inside, he asked if he ever went on the inside. Building Inspector Walters replied due to the unsafe condition he would not go into the inside. He said also in that notice it states that the building is structurally unsound, which you failed to mention. Mr. Lafranchi acknowledged that it might be unsound; he did not know when it would collapse. His contention is he will have it fixed before it will collapse; he wants the chance to fix the property. He is trying to get a loan to get it fixed; he will erect a construction fence around the barn if the board wants. He said no one goes into the barn except for him. He did not understand the hurry to have this taken down, he knows some people do not like the way it looks, he apologized, he said the recent hurricane blew the siding off before that nobody said anything. He asked what makes the building a fire hazard more than any other building made of wood, he has received no answer. If it was a fire hazard someone would have to commit arson, he does not see that happening though a possibility. He said charges are being added that do not exist. Supervisor Fleming pointed out he was issued an order to remedy the violation on June 28th, there was no communication with the Building Inspector or Code Enforcement Officer in the intervening months about your plans to do anything. She said when you came before the board on the 2nd you asked a decision not be made and in the intervening weeks again there has been no communication making this safe, taking it down. She said there was a hearing at 7:00 p.m. this evening as announced. Mr. Lafranchi said he went home to change his clothing from work and came at 7:25 p.m. he did not know it would be the first thing discussed. Councilwoman Woolley went by the barn, to her it is unsafe, you mention you have no money to repair it, she said some people are interested in the wood in the old barns and suggested contacted them, they might be able to take it down at no cost and pay you for the wood. She does not see the building as safe and if the board votes to have it taken down maybe you should look into that and make money on it. Mr. Lafranchi understood but wants a chance to get it repaired; it doesn't need as much work as it looks from the outside. He said it is more sound than it looks, he wants a chance to fix it up. He said once something that's old is gone, you cannot revive history. He has owned it 23 years and is breaking even. Councilman Huestis said for the record he said in 2015 you were before the board for the removal of a shed behind the barn and recalls the building inspector advising you that this would be next to take care of it. It has been three years, it is in total disrepair it is not structurally safe and needs to come down. Mr. Lafranchi said he had to do renovations on the main house, if he could he would write a check. Supervisor Fleming said the board's job is to assure the community is safe. Town Counsel Tagliafiero said if you were here when the public hearing started you would see all your neighbors were present begging them to remove the building because it is unsafe. Mr. Lafranchi said why it is unsafe no one is living there. Town Counsel Tagliafiero said you just said it's probably not structurally sound; it's an attractive nuisance to children. We were told today

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that it is by a bus stop. He asked how he appeals it. Councilman Denbaum said they haven't voted but explained if voted in the affirmative you should retain counsel, they would move the appropriate court to make the injunctive relief.

Poll Vote:

Councilman Denbaum – does not like this and has a procedural concern, we do have it on as a public hearing, typically we do not vote it, it does not give a tremendous amount of notice when it doesn't say we are going to take a vote on it especially when it deals with someone's property interest. He appreciates all of the comments of the building inspector and his colleagues. He knows that they are all wanting to do the right thing and make the neighborhood safe and make it not unattractive nightmare and understands all that, something about any government whether it being a town board causing a person's property to be taken from them to him his one of the most delicate decisions they make property rights are at the core of their liberty, it is what it is all about there is no government here for not simply protecting property rights he thinks before us is a policy decision and it is a wise policy decision and Bill is right about the policy decision, it should come down for policy reasons, children, he firmly believes a really good policy decision is not enough to take somebody's right to their private property, with a heavy heart, it doesn't feel right and voted nay, it's just what he believes more than disagreeing with anyone here in what they think is accurate.

Councilwoman McGlasson – aye

Councilman Huestis – aye

Councilwoman Woolley – aye

Supervisor Fleming – aye

Motion carried

Mr. Lafranchi asked if he will be notified. Building Inspector Walters explained according to the bid there is no start date but he can contact the bidder.

Resolution #385 - Approval of Vouchers & Claims

On a motion by Councilman Huestis

Seconded by

Resolved: All Vouchers #0147418 - #200148210 and Claims submitted by:

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1. Atlantic States Lubricants	\$2,993.66	Mobile Oil
2. CivicPlus, Inc.	\$3,500.00	Website Hosting
3. Extreme Designs Sign Co.	\$3,559.71	Soccer Uniforms
4. GenServe, Inc.	\$2,220.00	Generator Repair
5. Gorman Brothers, Inc.	\$9,072.35	Road Escalation
6. Hogan & Rossi	\$2,268.37	September Out of Retainer
7. Kent Seniors	\$11,185.00	Trips
8. Lewis & Greer	\$2,021.04	Legal Services
9. Limnology Info & Freshwater Ecology, Inc.	\$17,810.00	Lake Carmel Treatment
10. Lumar Plumbing & Heating, Inc.	\$5,500.00	WD#1 Install Transducer
11. Mitchell1	\$3,240.00	Municipal Repair Software
12. Peckham Materials Corp.	\$22,016.00	Blacktop
	\$8,670.50	
	\$12,510.93	
	\$21,768.28	
13. NYS Dept of Civil Service	\$214,876.67	Health Insurance: October
	\$8,670.50	
14. NYCOMCO	\$2,671.00	2 Way Radio: Police
15. Taft Appraisal Service	\$6,825.00	Small Claims Assessment
16. Town of Kent Municipal Repairs	\$28,202.54	Chargebacks: Highway
	\$2,587.90	Chargebacks: Police
	\$9,112.92	Chargebacks: Sanitation
17. Westchester Community College	\$4,823.00	2 Police Academy
18. Windstream	\$3,959.20	Telephone Service

In the amount of \$439,068.75 may be paid.

Motion carried unanimously

Correspondence

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Public Comment –There was none.

Resolution #386 - Adjourn to Executive Session

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The town board adjourned to executive session to discuss the medical, financial, credit or employment history of a particular person or corporation and current litigation.

Motion carried unanimously

Resolution #387- Adjourn Executive Session

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

Resolved: Executive session adjourned at 10:37 p.m. no action was taken.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli
Town Clerk

