

## TOWN BOARD MEETING/WORKSHOP OCTOBER 10, 2017

A Budget Workshop was held at 6:00 p.m. on Tuesday, October 10, 2017 at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York, 10512

### **Resolution #323- Adjourn to Executive Session**

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The town board adjourned to executive session at 6:45 p.m. to discuss the medical, financial, credit or employment history of a particular person or corporation and current litigation.

Motion carried unanimously

### **Resolution #324 - Adjourn Executive Session**

On a motion by Councilwoman McGlasson

Seconded by Councilman Chin

Resolved: The town board adjourned to executive session at 7:15 p.m.

Motion carried unanimously

### **Roma Family Thank You Ceremony**

Supervisor Fleming said the Roma Family is a special family in the Town of Kent. Through the generous donation from Jerry and Lorraine Roma the Town of Kent has a new canine officer Maverick. They were also behind the funding of the first canine officer Justice and the second canine officer Radar. She presented the Roma's with a certificate. Mrs. Roma thanked the board for allowing them to do this for the town.

### **Pledge of Allegiance**

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

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

### **Public Comment**

Mr. Addonizio brought to the attention of the board the big stack of tree stumps at the concrete plant site, that it's starting to look like a dump site and creating an environment for rodent, snakes, etc. he requested the Town have it removed. He also advised them of the high intensity lights glaring all night into their homes, the site is now being flooded with light, and it's starting to affect their quality of life for the neighborhood. He asked they be shut down so they can sleep during the night it's like Yankee Stadium. The Town Attorney advised there is Town Code for light pollution and should be brought to the attention Town Code Enforcer. Supervisor Fleming stated that they are aware of the pile and the Building Inspector is closely following it up.

Mr. Veteri stated he has been told he can't bring up to the Zoning Board of Appeals because they don't exist anymore but at the last meeting the Town Board approved vouchers, he FOIL'd those vouchers and reviewed them and stated that the lawyers representing the Zoning are over charging or mischarging you or the Zoning Board when they were here were relaying incorrect information. They had a meeting on June 19<sup>th</sup> for which they open and close and gave everybody the time until July 10<sup>th</sup> to hand in information and he's curious according to the approved paid vouchers why did they then make a decision 2 days later. It's all written on the document, and then 3 days later they had another 4-5 hour conversation so before July even hit the Zoning Board had their decision as to what they were going to do. Someone is wrong and maybe we should open up a little investigation, he has brought this up previously but now it's in writing. He didn't know that the Zoning Board can talk to the other team and not talk to those on the other side. He also didn't know that the Zoning Board is suppose to help people win cases he thought that they're "independent body" everybody brings information to them and make their decision. For them to stand there and tell us that we had until July 10<sup>th</sup> against 3 different lawyers on closing the meeting that they had until July 10<sup>th</sup> to submit because it's their workshop and they had a week to look at everything. He's very curious that the vouchers have them making their decision within 3 days and 4-5 days later before July is here they revise their decision.

### **Town Board Meeting was called to order with roll call:**

Supervisor Fleming –Present                      Councilman Denbaum-Present

Councilwoman McGlasson-Present              Councilman Huestis- Present

Councilman Chin- Present

Also present: Town Clerk Yolanda D. Cappelli, Town Attorney Nancy Tagliafierro, Police Chief Alex DiVernieri, the Lake Carmel Park District Advisory Board Chairlady Pat Madigan and several members of the public.

### **Resolution #325 - Introduce Local Law # /2017 & Provide for Public Notice & Hearing**

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

BE IT RESOLVED that an amendment to Kent Town Code Chapter 77 entitled "Zoning", has been introduced by Paul E. Denbaum as Local Law # \_\_\_\_ of the year 2017 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, be laid upon the desk of each member of the Board and referred to the Planning Board for a report and recommendation in accordance with Town Code §77-62; 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 seven o'clock P.M. on November 14, 2017, 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 ten (10) days prior thereto.  
Motion carried unanimously

### **Resolution #326 - Authorize the Scrapping & Donating of 3 Vehicles**

On a motion by Councilman Denbaum  
Seconded by Councilman Chin

**WHEREAS**, the Town of Kent Municipal Repairs Service Manager has recommended that a 2008 Chevy Impala Vehicle Identification Number 2C1WS553481271737, a 2000 Jeep Cherokee Vehicle Identification Number 1J4FF48S4YL219909, and a 1997 Chevy Lumina Vehicle Identification Number 2G1WL52MXV9297055 (collectively, the "Vehicles"), which have reached the end of their service life be declared surplus property and disposed of; and

**WHEREAS**, the Town Board wishes to authorize the Municipal Repairs Service Manager to declare the Vehicles as surplus and dispose of the Vehicles to the Lake Carmel Fire Department for training purposes.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent, authorizes the Town of Municipal Repairs Service Manager to declare the Vehicles as surplus and dispose of the vehicles to the Lake Carmel Fire Department to be used for training purposes.  
Motion carried unanimously

### **Resolution #327 - Authorize Correction of Violation & Accept Proposal**

On a motion by Councilman Denbaum  
Seconded by Councilman Chin

**WHEREAS**, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation dated September 5, 2017 (the "Order to Remedy") directing the owner to remove a dangerous tree from the exterior of the property identified as 60 Homestead Drive, Tax Map 22.57-2-43 (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 three proposals in response, a copy of said proposals are annexed hereto and incorporated by reference; and

**WHEREAS**, Bill Henry Tree Service Inc. has submitted the lowest bid proposal; and

**WHEREAS**, the Town Board of the Town of Kent wishes to accept the proposal submitted by Bill Henry Tree Service Inc. in the amount of \$375;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts the bid of Bill Henry Tree Service Inc. for the correction of the violation at a cost not to exceed \$375; 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 #328 - Accept Resignation of Planning Board Member – Lam**

On a motion by Councilwoman McGlasson  
Seconded by Councilman Chin

**WHEREAS**, the Town of Kent wishes to accept the resignation of Gary Lam as member of the Planning Board;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board accepts the resignation of Gary Lam as member of the Planning Board, with thanks for his service.  
Motion carried unanimously

### **Resolution #329 - Appoint Member to the Beautification Committee**

On a motion by Councilwoman McGlasson  
Seconded by Supervisor Fleming

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**WHEREAS**, the Town of Kent Beautification Committee consists of volunteers who are committed to improving the appearance of the Town of Kent and promoting a positive attitude toward the protection of the Town's environment and natural resources; and

**WHEREAS**, Erika Nitz has volunteered her services to the Beautification Committee and the Town Board of the Town of Kent wishes to appoint Erika Nitz to the Beautification Committee;

**NOW, THEREFORE, BE IT RESOLVED**, that Erika Nitz be appointed to the Beautification Committee of the Town of Kent.

Motion carried unanimously

### **Resolution #330 - Table Removal of Trees in the Lake Carmel Park District**

On a motion by Councilwoman McGlasson

Seconded by Councilman Huestis

Resolved: The removal of Trees in the Lake Carmel Park District was tabled.

Motion carried unanimously

### **Resolution #331 - Approving License Agreement with Robert Ulich to Construct a Dock**

On a motion by Councilman Chin

Seconded by Councilwoman McGlasson

**WHEREAS**, the Town of Kent established Park District No. 1, which is defined in Town Code Chapter 50 and includes all property as shown on a certain map entitled "Lake Carmel, Town of Kent, Putnam County," (the "Lake") filed in the Putnam County Clerk's office May 17, 1930; and

**WHEREAS**, Robert Ulich ("Ulich"), is the owner of certain real property located which has frontage along the Lake, which property is known as 5 Teatown Court (the "Premises"); and

**WHEREAS**, Mr. Ulich has submitted to the Town Board a request dated June 13, 2017, in accordance with Town Code §50-14(B), requesting permission to construct a floating seasonal dock along the frontage of his Premises into the Lake, as depicted on the attached sketch; (the "Improvement"); and

**WHEREAS**, Ulich wishes to construct, use, maintain, and make the Improvement available to all of the inhabitants of the Lake Carmel Park District, and the Lake Carmel Park District Advisory Board has advised it has no objection to the proposed improvement at its meeting of August 22, 2017; and

**WHEREAS**, the Town Board wishes to grant a revocable license to Ulich permitting him to construct and maintain the Improvement, upon certain terms and conditions, as set forth in a certain License Agreement, a copy of which is annexed hereto and hereby made a part hereof; and

**WHEREAS**, pursuant to Town Code Chapter 38A, the construction of the Improvement in a wetlands is a regulated activity, which requires a permit; and

**WHEREAS**, pursuant to Town Code §39A(7)(D)(3), because approval from the Town Board is required in order to construct the Improvement, the Town Board is the approving authority with respect to the application for a Freshwater Wetland Permit in this instance; and

**WHEREAS**, the Town Board wishes to waive its power of review regarding the wetland permit, as authorized by Town Code §39A(8)(D), because the nature and scope of the Improvement is such that the application should be handled administratively by the Town Engineer;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby approves the terms of the proposed License Agreement between the Town and Robert Ulich in the form annexed hereto; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor is hereby authorized and directed to execute the proposed License Agreement in the form annexed hereto, or in substantially the same form as annexed hereto subject to approval of the Town Supervisor and the Town Attorney, and any and all other documents as may be necessary to give full effect to this Resolution; and

**BE IT FURTHER RESOLVED**, that an application for a Freshwater Wetlands Permit by Mr. Ulich is hereby referred to the Town Engineer for the issuance of an administrative permit as set forth in Town Code §39-A(8)(D); and

**BE IT FURTHER RESOLVED**, that it is Mr. Ulich's responsibility to determine whether any other permits are required from any other regulatory agencies, including but not limited to the New York State Department of Environmental Conservation, or the Army Corps of Engineers, in order to construct the Improvement.

### **Poll Vote**

Councilman Denbaum – aye

Councilwoman McGlasson – aye

Councilman Huestis – He voted no, he thinks the Park District can have this with their policy. He wants him to have his dock, he is the keeper of the lake, he loves Lake Carmel, as long as he is with the park districts rules and regulations let it be part of the park district and not all this.

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Councilman Chin – aye  
Supervisor Fleming – aye  
Motion carried

**Resolution #332 - Lake Carmel Sanitation Truck Purchase**

On a motion by Councilman Chin  
Seconded by Supervisor Fleming

WHEREAS, the Town Board of the Town of Kent has received a recommendation from the Town Municipal Repairs Service Manager, Nicholas Mancuso, and the Lake Carmel Supervising Crew Chief, Eugene Livulpi, recommending the removal of a 2002 Chevrolet Chase Truck Vehicle Identification Number 1GBJK34G32F220731 from the current Sanitation Department fleet and placed for sale; and

WHEREAS, Mr. Mancuso and Mr. Livulpi recommend that the Town purchase a 3500 Chevrolet Parkan to replace the above referenced vehicle; and

WHEREAS, the Town Board has been provided with a proposal for one 3500 Chevrolet Parkan from Robert Green Truck Division, in the amount of \$46,537.00 pursuant to NY Thruway Department Contract# 16017; and

WHEREAS, Section 103(16) of the General Municipal Law exempts from competitive bidding purchase contracts for apparatus, materials, equipment and supplies, through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district; and

WHEREAS, in accordance with the Town’s Procurement Policy and the General Municipal Law, the Town Board wishes to authorize the Sanitation Department to purchase the Truck consistent with the above referenced proposal;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes and approves the purchase of one 3500 Chevrolet Parkan from Robert Green Truck Division for a cost not to exceed \$46,537.00 pursuant to Contract #16017; 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 #333 - Approval of Vouchers & Claims**

On a motion by Councilman Huestis  
Seconded by Supervisor Fleming

Resolved: All Vouchers #200143644 - #200143770 and claims submitted by:

1. Amchar Wholesale	\$2,753.92	Gun
2. Auto Craft Body & Collision	\$3,228.59	Police Car Repair
3. City Carting	\$5,465.19	Lake Carmel Garbage
4. Danbury Auto Spring & Welding	\$3,179.80	Truck #37
5. Hogan & Rossi	\$5,416.63	October Legal Services
6. Interport Maintenance	\$13,900.00	Office Trailer
7. NYCOMCO	\$2,622.00	2 Way Radios
8. Peak Construction	\$18,539.17	Progress Payment
	\$2,600.00	Change Order: Man Door
9. Peckham Materials	\$15,149.03	Blacktop
10. Putnam Cty Office Senior Resources	\$2,500.00	Outreach Worker
11. Tire Buys	\$2,287.45	Tires
12. Westchester Community College	\$2,278.00	Police Academy

In the amount of \$118,631.97 may be paid.  
Motion carried unanimously

**Public Comment** – There was none

**Resolution #334 - Adjournment**

On a motion by Councilman Huestis  
Seconded by Supervisor Fleming

Resolved: The town board meeting of October 10, 2017 adjourned at 9:28 p.m.  
Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli, Town Clerk

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