

## TOWN BOARD MEETING/WORKSHOP JUNE 2, 2015

A regular meeting was held on Tuesday, June 2, 2015 at 6:00 p.m. at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York, 10512.

### **Resolution #188 - Open Meeting & Adjourn to Executive Session**

On a motion by Supervisor Fleming  
Seconded by Councilwoman Osborn

Resolved: The meeting of June 2, 2015 opened at 6:05 p.m. and immediately adjourned to executive session to discuss matters relating to collective negotiations pursuant to article fourteen of the civil service law; discussion regarding proposed, pending or current litigation; the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Motion carried unanimously

### **Resolution #189 - Adjourn Executive Session**

On a motion by Supervisor Fleming  
Seconded by Councilman Denbaum

Resolved: At 7:10 p.m. executive session adjourned and the workshop meeting resumed.

Motion carried unanimously

### **Presentation – Kent Library Summer Program**

Carol Donick, the Director of the Kent Library announced their exciting summer reading program. She explained how important it is for students to read throughout the summer. If they do not they often score lower on standardized tests and cumulative worse, they do not catch up, often averaging two years behind students that do participate in summer reading programs. The programs are fun but have a purpose. They are offering more programs because of the new program room also called the book seller. Two successful book sales have been held and two more planned for September and November. She introduced Rebecca Newman the Children's Librarian and Kristy Parker their Programs Coordinator. Ms. Newman explained the largest program offered is the Battle of the Books, jeopardy like program offered to teen and tweens who have committed to reading eight books. In September they will compete against 25 other libraries and have battles. They have story time for the pre-school age group, emphasizing skills children will need to enter kindergarten. Also being offered for native Spanish speaking children expecting to enter kindergarten in the fall is a Bi-Lingual Story Time. She said they received a grant from the Mid-Hudson Library System, teaming with Mary Schreiber who has put together a literacy based program combined with craft activities called Art Al Fresco. Ms. Parker explained the Paws to Read program begins Thursday and runs through the summer. It is an opportunity for children ages 6-10 to gain confidence and improve reading skills by reading aloud to a therapy dog. For older children they will be learning about outer space and have discussions about the Red Planet, Mars. For adults there will be an introduction to genealogy, an emergency preparedness training presented by the National Guard and a presentation on Estate Planning and Elder Law. There is also an ongoing book club for adults, there is a lot planned and hoped to see everyone in the library. Ms. Donick mentioned on July 3<sup>rd</sup> they will be having a Super Heroes Training Camp.

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

### **Public Comment**

None

### **Pledge of Allegiance**

At 8:30 p.m. the Supervisor called the meeting to order with Salute to the Flag.

### **Roll Call**

Supervisor Maureen Fleming – present	Councilman Paul Denbaum – present
Councilwoman Penny Osborn – present	Councilman Bill Huestis – absent
Councilman Mike Tierney –present	

Also Present: Town Clerk Yolanda "Lana" Cappelli, Town Counsel Nancy Tagliaferro of Hogan and Rossi, Police Chief Alex DiVernieri, Library Director Carol Donick, Members of the Library Board, Deputy County Executor Bruce Walker, Building Inspector Bill Walters, and Recreation Director Lou Fernandez.

### **Resolution #190 – Pilot Program for e-mail with Putnam County**

On a motion by Supervisor Fleming  
Seconded by Councilwoman Osborn

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Resolved: The Supervisor is authorized to enter into an Inter-municipal agreement with Putnam County regarding e-mail, so long as the provisions requested by the town board are approved by Town Attorney and included in that agreement.

Motion carried.

### **Resolution # 191– Approving Work for Huestis Park**

On a motion Supervisor Fleming

Seconded by Councilman Denbaum

**WHEREAS**, the Town of Kent was previously awarded Community Projects Appropriation Contract # TM075804 (the “Contract”); and

**WHEREAS**, the scope of the Contract was recently amended to include the provision of fencing and backstops at Huestis Park; and

**WHEREAS**, in accordance with the Town’s Procurement Policy, the Director of Recreation and Parks secured pricing from three companies for the removal of two existing backstops and replacement with new backstops and the installation of 40 feet of fencing with gates; and

**WHEREAS**, Duke Fence submitted the lowest pricing to remove the existing backstops and install new backstops and fencing in the amount of \$15,400; and

**NOW THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Kent hereby authorizes the expenditure of \$15,400 from the Contract to Duke Fence for the removal of two backstops and installation of new backstops and fencing at Huestis Park; 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

### **Resolution #192- Advertise for Start Smart Soccer Assistants**

On a motion by Councilwoman Osborn

Seconded by Councilman Tierney

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes its Town Clerk, Yolanda D. Cappelli, to advertise for applications for the Start Smart Soccer Assistant positions in the Town of Kent Recreation Department.

Motion carried.

### **Resolution #193 – Highway – Scrapping of Highway Department Dump Truck**

On a motion by Councilwoman Osborn

Seconded by Councilman Tierney

**WHEREAS**, the Superintendent of Highway has recommended scrapping a 1998 Chevrolet 3500 series dump truck bearing vehicle identification number 1GBJK34F9WF09996 (the “dump truck”) as being at the end of its service life; and

**WHEREAS**, the Service Manager of the Municipal Repairs Department has confirmed that the dump truck is out of service and cannot be repaired;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes the scrapping of the 1998 Chevrolet 3500 series dump truck bearing vehicle identification number 1GBJK34F9WF09996; 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.

### **Resolution #194 – Rescind Resolution #175**

On a motion by Councilwoman Osborn

Seconded by Supervisor Fleming

Resolved: Resolution #175 authorization for the Town Clerk to advertise for a Highway Motor Equipment Operator was rescinded.

Roll Call

Councilman Denbaum – aye although he contemplated voting no, reason being we wanted to advertise to obtain as many candidates as possible to make a decision. The Highway Superintendent found a provision in the law stating he has the sole discretion to hire an individual. He thinks it would be better served if he allowed us to advertise for the position and kick his candidate with an argument as to why we should hire him. Since it is within his ability he will vote yes.

Councilwoman Osborn – said it was clear this individual worked for us before, unfortunately he had to leave because he was the low man, she personally knows this person and he will make a wonderful highway worker and voted – aye

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Councilman Tierney – said it has nothing to do with the worker, he is voting no because the board came up with a policy for all departments. We want all of our departments to canvass for positions, it is for consistency, this gentleman at the end of the day probably would have been given the position anyway, he is a local resident a volunteer fireman, and well qualified, it has nothing to do with this specific employee, it is for the consistency of the policy and voted no.

Supervisor Fleming – as stated at meetings, she likes the process of casting a wide net and making positions available to as many applicants as possible. She thinks this is a different situation, as this is someone who was laid off by the Town so the hiring back of this position was a very different situation than what we come into play, also the law is pretty clear that the Highway Superintendent has the right to hire and fire, so even though she generally likes to have these situations to be as open as possible she thinks we follow the law and voted yes.

Motion carried.

### **Resolution #195 – Supervisor to Execute Stormwater Management Facilities Inspection & Maintenance Agreement & Accept Performance**

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

WHEREAS, the Town of Kent and Patterson Crossing Realty Company, LLC, a New York limited liability corporation having an office at 1699 Route 6, Suite 1, Carmel, New York, 10512 (“Owner”) have negotiated a Stormwater Management Facilities Inspection and Maintenance Agreement, attached hereto as Exhibit A, pursuant to the requirements of Chapter 66 of the Town Code in connection with land use approvals for the project known as Patterson Crossing; and

WHEREAS, as a condition of approvals by the Planning Board, Owner has submitted an Inter-Municipal Agreement regarding stormwater management among Town of Kent, the Town of Patterson, and the Owner, attached hereto as Exhibit B; and

WHEREAS, as a condition of the Planning Board approvals and in order to comply with Chapter 66 of the Town Code, Owner has submitted two (2) performance bonds in the amounts recommended by the Planning Board in reliance on its engineering consultant, as follows:

- a) Performance Bond for Stormwater Management Facilities in the initial amount of \$83,543.00, attached hereto as Exhibit C;
- b) Performance Bond for Erosion and Sediment Control in the amount of \$24,703.00, attached hereto as Exhibit D.

NOW, THEREFORE BE IT RESOLVED that:

- 1) The Town Board approves, authorizes and ratifies (a) the Supervisor’s execution of the proposed Stormwater Management Facilities Inspection and Maintenance Agreement and the aforesaid three-party Inter-Municipal Agreement any other agreement having substantially the same or similar provisions, subject to actual signatures and delivery of the Agreement by Owner in complete form with all exhibits correctly attached and (b) submission of forms and payment of costs necessary for and incidental to the recording of the Agreements in the Putnam County Clerk’s office.
- 2) The Town Board hereby approves and accepts the aforesaid two (2) performance bonds.

Motion carried

### **Resolution #196 – Extension of Time for Sewer District Water Meters & Calculation of Flow**

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

WHEREAS, for purposes of calculating sewer use charges, the actual average flow is to be used to calculate charges for users; and

WHEREAS, pursuant Chapter 61 of the Town Code, Section 61-86(B) all properties in the Kent Sewer District are required to meter water usage, and actual average flow will be calculated as the metered flow of the prior year; and

WHEREAS, in the absence of metered data, the Town Board may by Resolution modify the actual average flow for purposes of calculating sewer use charges;

WHEREAS, property owners are required to provide and file with the Kent Town Clerk an affidavit setting forth the actual flow for a twelve month period to be specified by the Town by July 15 of each year; and

WHEREAS, due to conditions beyond the control of property owners, many property owners have not yet been able to install the meter required to measure water usage; and

WHEREAS, in order to allow additional time to install meters, the Town Board of the Town of Kent wishes to extend the time to install such meters to September 1, 2015; and

WHEREAS, in accordance with Section 61-86(A) of the Town Code, in the absence of metered data, the Town Board may by Resolution modify the actual average flow for purposes of calculating sewer use charges;

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NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes an extension of time for the installation of meters from July 1, 2015 to September 1, 2015.  
Motion carried.

Mr. Sclafani objected as there is no way he can tie into the Sewer District with a meter. Councilman Denbaum replied then your annual flow will be based upon the estimated calculation by Insite in 2012. Mr. Sclafani said he cannot tie in he does not have a tank, electric hook up to water. Councilman Denbaum said the exemption of his property is before the sewer committee, they are reviewing his request and in the event they recommend exempting you this provision would not apply.

**Resolution #197 – Reject Cleaning Bids**

On a motion by Councilman Denbaum  
Seconded by Councilwoman Osborn

WHEREAS, on May 5, 2015 the Town of Kent authorized the Town Clerk to advertise for bids for cleaning services for the Town of Kent Town Hall, Library, Police Department and Highway Department, and set the bid opening day of May 29, 2015; and

WHEREAS, two bids were received, opened and publicly read aloud on May 29, 2015 in accordance with the Notice to Bidders; and

WHEREAS, both bid proposals exceed the projected costs for cleaning services for the Town Hall, Library, Police Department and Highway Department; and

WHEREAS, the Notice to Bidders specifically advised that the Town reserved the right to reject all bids and re-advertise for new bids; and

WHEREAS, the Town Board of the Town of Kent wishes to reject the bids for cleaning services for the Town of Kent Town Hall, Library, Police Department and Highway Department;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby rejects the bids for cleaning services which were opened on May 29, 2015.

Motion carried

**Resolution #198 – Accept Resignation of Employee**

On a motion by Councilman Tierney  
Seconded by Supervisor Fleming

Resolved: The resignation of Bud Behr was accepted with regret.

Motion carried.

**Resolution #199 – Hiring of Lake Carmel Park District Summer Employees**

On a motion by Councilman Tierney  
Seconded by Supervisor Fleming & Councilwoman Osborn

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

WHEREAS, Nicholas Turner, Tyler Serrano and Connor Carroll have submitted applications which reflect the proper qualifications to fill the summer positions; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Nicholas Turner, Tyler Serrano and Connor Carroll as Summer employees of the Lake Carmel Park District at a rate of \$8.25 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.

**Resolution #200 – Approval Vouchers and Claims**

On a motion by Councilman Tierney  
Seconded by Supervisor Fleming

Resolved: All Vouchers #200133313 - #200133454 and claims submitted by:

1. City Carting	\$6,457.82	Lake Carmel Garbage
2. Fireworks Extravaganza	\$2,500.00	Deposit for Fireworks
3. Hogan & Rossi	\$5,416.67	Legal Services
4. Ingersoll Auto of Pawling	\$3,277.68	Auto Parts
5. Jasper Engines	\$2,442.84	Engine & Kit
6. Kent Manor Sewer Corp.	\$67,863.99	December Pumping/ 2015 Budget
7. Peckham Materials	\$17,747.70	Chips
8. Tire Buys	\$2,808.42	Tires

In the amount of \$154,355.87 may be paid.

Motion carried.

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### **Public Comment**

Pat Madigan asked if a motion is needed for Insite Engineering to do an update on the condition of the gate valve at the spillway. Councilman Denbaum explained he is going to speak to John Watson and have him give an estimate on the cost, he'll check to see what funds are available. The prior estimate was approximately \$120,000.00.

Mr. Sclafani stated he was asked at the last meeting if he had a foundation, and that being the reason he is being charged 5 units. He received permission for his property line but the foundation was removed.

### **Resolution #201 – Adjournment**

On a motion by Supervisor Fleming

Seconded by Councilman Tierney

Resolved: The town board meeting of June 2, 2015 adjourned at 8:54 p.m.

Motion carried

Respectfully submitted,

Yolanda D. Cappelli

Town Clerk