

TOWN BOARD MEETING/WORKSHOP JULY 21, 2015

A regular meeting was held on Tuesday, July 21, 2015, at 6:00 p.m. at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York, 10512.

**Resolution #239 - Open Meeting & Adjourn to Executive Session**

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The meeting of July 21, 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 # 240 - Appoint Town Attorney to take Minutes**

On a motion by Councilwoman Osborn

Seconded by Councilman Denbaum

Resolved: Nancy Tagliafierro was appointed to take minutes of the executive session held on July 21, 2015.

Motion carried unanimously.

**Resolution #241 - Approve application for 207-c Benefits by Officer 001**

On a motion by Councilman Denbaum

Seconded by Councilwoman Osborn

Resolved: The application of Officer 001 seeking benefits pursuant to General Municipal Law Section 207-c is approved.

The Board took a poll vote as follows:

Councilman Denbaum – aye

Councilwoman Osborn –aye

Councilman Huestis – abstain

Councilman Tierney – aye

Supervisor Fleming – nay

Motion carried.

**Resolution #242- Adjourn Executive Session**

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: At 7:00 p.m. executive session adjourned.

Motion carried unanimously.

Supervisor Fleming stated the board conducted an executive session, which they took a vote on, a personnel matter and the board approved the motion.

**Public Hearing – Business Tax Exemption Law**

Supervisor Fleming stated the Public Hearing remained opened for public comment. One letter was received from the Carmel-Kent Chamber of Commerce (attached) which she read. She asked for comments. Annmarie Baisley stated the law was in effect for years and has been very effective and glad to see it back, it's a way to get new business.

**Resolution #243 – Close Public Hearing - Business Tax Exemption**

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: The public hearing on Business Tax Exemption was closed.

Motion carried unanimously.

**Workshop**

The board reviewed and discussed the items on the workshop agenda in detail mostly pertaining to the blue green algae present in Lake Carmel(refer to DVD for full view).

**Public Comment**

None.

**Pledge of Allegiance**

At 9:37 p.m. the Supervisor called the meeting to order with Salute to the Flag.

**Roll Call**

Supervisor Maureen Fleming – present  
Councilwoman Penny Osborn – present  
Councilman Mike Tierney –present

Councilman Paul Denbaum – present  
Councilman Bill Huestis – present

Also Present: Town Clerk Yolanda "Lana" Cappelli, Town Counsel Nancy Tagliafierro of Hogan and Rossi, Police Chief Alex DiVernieri, Building Inspector Bill Walters and Pat Madigan & Cathy Vargas, Co-Chairperson of the Lake Carmel Advisory Committee.

**Resolution #244- Local Law #2/2015 – Business Investment Exemption Law**

On a motion by Councilman Denbaum

Seconded by Councilwoman Osborn

WHEREAS, an amendment to Kent Town Code Chapter 67 entitled "Taxation", has been introduced before the Town Board of the Town of Kent, as Local Law No. 2 of 2015, and

WHEREAS, a public hearing was held on July 7, 2015, upon notice duly published and posted, and the public comment period was held open until July 17, 2015; and

WHEREAS, discussion was heard at such hearing concerning the merits of said introductory local law, and

WHEREAS, the Town Board of the Town of Kent wishes to amend Chapter 67, entitled "Taxation", which amendment will revise Article III regarding the Business Investment Exemption to extend the period of time for such exemptions on increased assessments for building and improving businesses in the Town of Kent;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby amends Chapter 67 entitled "Taxation" in the form and manner as provided below, and

BE IT FURTHER RESOLVED, that Local Law 2 of 2015 of the Town of Kent is hereby enacted by the Town Board of the Town of Kent, and

BE IT FURTHER RESOLVED, that a true copy of the law is attached hereto and made a part hereof.

Motion carried unanimously.

TOWN OF KENT

AMENDMENT TO CHAPTER 67 OF THE KENT TOWN CODE

BE IT ENACTED by the Town Board of the Town of Kent, Putnam County, New York, as follows:

Section 1. Chapter 67 Entitled "Taxation", Article III entitled "Business Investment Exemption", is hereby amended to read as follows:

Chapter 67-9 Amount of Exemption.

- A. Real property constructed, altered, installed or improved subsequent to the first day of January 1992 for the purpose of commercial, business or industrial activity shall be exempt from taxation and special ad valorem levies to the extent hereinafter provided.
- B. Such real property shall be exempt for a period of one year to the extent of 50% of the increase in assessed value thereof attributable to such construction, alteration, installation or improvement and for an additional period of four years; provided, however, that the extent of such exemption shall be decreased by ~~10%~~ **5%** each year during such additional period of ~~four~~ **nine** years, and such exemption shall be computed with respect to the increase in assessed value as determined in the initial year of such ~~five-year~~ **ten-year** period

following the filing of an original application; provided, however, that in any year in which a change in level of assessment of 15% or more is certified for an assessment roll pursuant to the rules of the State Board, the exemption shall be recomputed to take into account the increase in assessed value due to the change in level of assessment, notwithstanding the fact that the Assessor receives the certification after the completion, verification and filing of the final assessment roll. In the event that the Assessor does not have custody of the roll when such certification is received, the Assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the Assessor on the roll. The following table shall illustrate the computation of the tax exemption:

Year of Exemption	Percentage of Exemption
1	50%
2	<del>40%</del> <u>45%</u>
3	<del>30%</del> <u>40%</u>
4	<del>20%</del> <u>35%</u>
5	<del>10%</del> <u>30%</u>
6	<u>25%</u>
7	<u>20%</u>
8	<u>15%</u>
9	<u>10%</u>
10	<u>5%</u>

C. All other provisions of said Real Property Tax Law § 485-b, except as modified above, are hereby adapted in toto.

Section 2. This local law shall take effect immediately.

**Resolution #245 – Lake Carmel Park District – Accepting Quote for Algaecide Treatment**

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

WHEREAS, the Town of Kent has determined there is a need for algaecide treatment of Lake Carmel; and

WHEREAS, in accordance with the Town's Procurement Policy, the Town made requests for proposals from companies which provide this specialized service, and received two written proposals in response to such request, copies of which are annexed hereto and incorporated herein by reference; and

WHEREAS, LIFE, Inc., has submitted the lowest proposal dated July 20, 2015 in the amount of \$4,350 for the first treatment; and \$3,350 for any subsequent treatment,

WHEREAS, the Town Board of the Town of Kent wishes to accept the proposal submitted by LIFE, Inc.;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves the algaecide treatment of Lake Carmel for the price set forth on the proposal annexed hereto in the amount of \$4,350 for the first treatment; and \$3,350 for the second treatment,

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.

Upon Roll Call Vote:

Councilman Denbaum –there has been some opposition to algaecide, we have to remember the lake is twofold; we want it clean and pristine and have hundreds of homes all boxed on top, sometimes you need to treat it with chemicals because that's the situation we are in, we do not live in pristine wilderness, we are no

longer a summer community but a full service community where issues like this will come up and voted aye for the treatment.

Councilwoman Osborn – aye

Councilman Huestis – aye

Councilman Tierney – was thankful for the information on the study, he probably would of voted no because of the health concerns over the chemical, but by reading the study and seeing what was done over 20 years in other lakes he voted – aye

Supervisor Fleming – after extensive conversations with consultants and the Department of Health and Department of Conservation she believes their advice, that this is a viable short term solution to their issues she voted - aye

Motion carried unanimously

**Resolution #246- Table - Lake Carmel Park District #1 – Accepting Quote for Lake Management Study**

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: Accepting a quote for the Lake Management Study was tabled.

Motion carried unanimously.

**Resolution #247 - Lake Carmel Park District – Authorization to Offer Scag Mowers for Sale through Auctions International, Inc.**

On a motion by Councilwoman Osborn

Seconded by Supervisor Fleming

WHEREAS, the Town of Kent, Lake Carmel Park District #1 desires to offer certain equipment and other items for sale to third parties through auction; and

WHEREAS, the Town of Kent Municipal Repairs Manager, has identified two pieces of equipment that are recommended to be offered at auction through Auctions International, Inc.; and

WHEREAS, the equipment identified as a scag walk behind hydro, Model Number SWZ-20CUE and Serial Number 5200001, and a scag ride on zero turn tiger cub, Model Number STC52A-23KA and Serial Number 7670186; and

WHEREAS, the Town Board wishes to authorize the Lake Carmel Park District to use the services of Auctions International Inc., to offer certain equipment and items for sale to third parties;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent, authorizes the Lake Carmel Park District to offer the items identified as a scag walk behind hydro Model Number SWZ-20CUE and Serial Number 5200001, and a scag ride on zero turn tiger cub Model Number STC52A-23KA and Serial Number 7670186 for sale through Auctions International, Inc.; 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 #248- Authorizing Correction of Violation, Acceptance of Proposal & Charge to Property Owner**

On a motion by Councilman Tierney

Seconded by Councilwoman Osborn

WHEREAS, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation dated July 2, 2015 (the "Order to Remedy") directing the owner to remove an unsafe tree from the property identified as a lot on Clarkson Road, Tax Map 33.25-1-13 (the "Property"); and

WHEREAS, the Order to Remedy required the owner of the Property to remove the unsafe tree from the Property or submit a written request to the Code Enforcement Officer for a hearing to discuss remedial action to abate said violation within ten days; and

WHEREAS, to date, the owner of the Property has not corrected the violation as required by the Order to Remedy, nor submitted the required written request to the Code Enforcement Officer to discuss remedial action to abate the violation; and

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WHEREAS, pursuant to Chapter 55A of the Town Code of the Town of Kent regarding "Property Maintenance", upon the failure, neglect or refusal of any owner to comply, the Building Inspector is authorized to correct a violation or cause such violation to be corrected subject to the approval of the Town Board; and

WHEREAS, the Town Board wishes to authorize the Building Inspector to correct the violation and the costs of such correction will be charged to the property owner; and

WHEREAS, consistent with the Town's Procurement Policy, the Town Board of the Town of Kent obtained written proposals from contractors to correct the violation on the Property; and

WHEREAS, Johnson's Tree Removal has submitted the only proposal; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the proposal submitted by Johnson's Tree Removal in the amount of \$250.00;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the bid of Johnson's Tree Removal for the correction of the violation on the Property; 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; and it is

FURTHER RESOLVED, that the actual cost of the correction of the violation, plus the accrued legal rate of interest per annum from the date of completion of the work, if not paid by the property owner, shall be charged to the property owner by the Town in accordance with Chapter 55A-12(B).

Motion carried unanimously.

**Resolution # 249 - Appoint Member to Route 52 Sewer District Advisory Board**

On a motion by Councilman Tierney

Seconded by Councilwoman Osborn

WHEREAS, the Town of Kent Wastewater Advisory Committee consists of two (2) to five (5) members; and;

WHEREAS, the Town of Kent wishes to appoint, Kathy Doherty to fill a vacant position on the Wastewater Advisory Committee;

NOW, THEREFORE, BE IT RESOLVED, that Kathy Doherty be appointed for a term of three (3) years, commencing on July 22, 2015 at 9:00 a.m. and terminating on July 22, 2018; 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.

Upon Roll Call Vote:

Councilman Denbaum - when the advisory board was started it didn't have members, he was constantly seeking members to help get it on track. Kathy Doherty was one who volunteered for the position, at that point he thought there were unlimited amount of seats therefore you appoint as many volunteers as possible. Upon review there is only five seats, two of the seats and his own were already filled, leaving two seats. He brought to a motion two other individuals to be put on the board beside Kathy Doherty one being Rob Hall who is on the committee right now and another individual John McGivney. Originally he told Kathy Doherty he would support her appointment to the board because he was under the impression there was unlimited number of members. After some confusion about how many members could be on board an opposition grew. Fifty plus signatures of members of the town petitioned to not have her part of the board, since than every board meeting seemed to be about this appointment or what happened in the past. Although originally he thought it would not be a big deal to have her as one of the many on the advisory board with the final spot he is not convinced that her experience outweighs the constant turmoil the board is faced with every meeting by the mere fact there's constant political nature to the meetings as opposed to talking about water meters and voted nay

Councilwoman Osborn - was floored, because she was present when Paul promised he would vote for her. She voted aye. She thinks she would be huge asset she has the knowledge that no one else has and she thinks we would be very lucky to have her share that knowledge with us.

Councilman Huestis - nay

Councilman Tierney – concurred, he thinks we would be doing a disservice to the sewer district advisory board and in fact to the town by not taking someone who has the most knowledge out of all on this particular subject. The sewer district is here it is not going anywhere if it ultimately fails because people want to play politics it is going to fall on the town. This is about getting it running, get over it, and take advantage of the knowledge that is being offered.

Supervisor Fleming – anybody can attend board meetings within this town, zoning board, anyone can attend planning board, anybody can attend the sewer district advisory board meetings, you don't have to be a member of the board, so by not appointing someone to the board does not exclude them from participation that being said she voted nay

Motion not carried.

**Resolution #250 – Add Rescind Resolution #232 to the agenda**

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: Rescind Resolution #232- was added to the agenda.

Motion carried unanimously.

**Resolution #251–Rescind Resolution #232**

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: Resolution #232 was rescinded.

Upon Roll Call Vote:

Councilman Denbaum – nay, we discussed this as a matter pertaining to potential litigation in executive session. While he is not able to go over the details this board came out of executive session after being briefed by the necessary parties and made a decision thereafter certain individuals continued to lobby the board to change its mind after it already spent an enormous amount of time discussing it, thinking about it and voting on it. He thinks changing our minds at this point, does a disservice because we cannot get the litigation moving forward, he also thinks Mr. Curtiss would be the proper individual to bring this on, he has the experience to do so and most importantly he thinks Mr. Curtiss hourly rate for something like this is less than the other proposed attorney who we will be voting on. It does a disservice to the taxpayers of this town to vote for an attorney to prosecute an action who charges more per hour when in his opinion as an attorney who practices in this realm of the law, he has no greater experience in doing so and is merely at the preference of individuals and voted nay.

Councilwoman Osborn - does not believe that is the case at all and voted aye. When the head of the Zoning Board comes before the board which is very rare and asks for a particular attorney to litigate a particular case because he feels it would have a better outcome possibly and voted aye

Councilman Huestis – aye

Councilman Tierney – aye

Supervisor Fleming – aye

Motion carried.

**Resolution #252 – Add Authorize Ron Blass to Pursue an Action**

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: Add Authorize Ron Blass to pursue an action against the owners of real property Tax Map #11.13-1-38 was added to the agenda.

Upon Roll Call Vote:

Councilman Denbaum – nay

Councilwoman Osborn – aye

Councilman Huestis – aye

Councilman Tierney – aye

Supervisor Fleming – aye

Motion carried

**Resolution #253 –Authorize Ron Blass to Pursue an Action**

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: Ron Blass was authorized to pursue an action against the owners of real property Tax Map #11.13-1-38, 924 White Pond Colony, in the Town of Kent in regard to a deck installed without a permit, in violation of zoning regulations.

Upon Roll Call Vote:

Councilman Denbaum – nay to further the discussion it does a disservice to every tax payer in this town to vote for this town to be charged extra money every hour so that the Zoning Board of Appeals can get their preferred attorney because they felt personally offended prior to this litigation. That is what we are doing, we are taking the municipal agency who has no business in recommending how or who we enforce this action, we are taking their personal preferences and charging it back to the taxpayers after we decided that it wasn't the proper move in the first place. This vote will increase the spending of the Town and put it on the taxpayers for the preferences of certain members of this municipality and voted nay

Councilwoman Osborn – aye

Councilman Huestis – aye

Councilman Tierney – Paul is entitled to his opinion although he disagrees with it, he was not in favor and voted that way at the last meeting but believes we should have let Mr. Blass's firm. Yes it is more money he understands and is sure that weighs heavily in Paul's decision and he respects it and voted aye

Supervisor Fleming – she voted no against the original resolution because she did favor retaining the services of the attorney who specializes in this area, although the hourly rate may be more she thinks the expertise in the area might actually serve to increase the actual spending since this is the attorney's area of expertise and voted aye

Motion carried.

**Resolution #254 - Approve Vouchers and Claims**

On a motion by Councilman Huestis

Seconded by Councilman Denbaum

Resolved: Voucher #200133972-200134087 and claims submitted by:

1. Amchar Wholesale	\$2,358.69	Amo
2. Beam Mack Sales & Service	\$105,730.20	Mack Truck
3. City Carting	\$7,897.66	Lake Carmel Garbage
4. Duke Fence	\$15,400.00	Backstop
5. Fred Adams Jr., Inc.	\$15,800.00	Demolition
6. Global Montello Group	\$4,431.20	Gasoline
7. Heritagenergy	\$4,034.02	Diesel
8. Konica Minolta	\$2,137.36	Copier lease
9. Long Island Sanitation Equipment	\$57,317.00	Rear Loader
10. Royal Carting	\$5,241.97	Recycling Garbage
11. Kent Municipal Repairs	\$4,759.10	Chargebacks: Sanitation
	\$2,578.07	Chargebacks: Building Dept.
	\$12,292.09	Chargebacks: Highway
	\$4,893.29	Chargebacks: Police
12. Vacuum Sales, Inc.	\$5,339.78	Fan Wheel
13. Windstream	\$3,661.10	Telephone Service

In the amount of \$451,478.20 may be paid.

Motion carried unanimously

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**Public Comment**

There was none.

**Correspondence**

Attached

**Resolution #255 - Adjournment**

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: The meeting of July 21, 2015 adjourned at 10:10 p.m.

Motion carried unanimously.

Respectfully submitted,

Yolanda D. Cappelli  
Town Clerk