

TOWN BOARD MEETING/WORKSHOP AUGUST 4, 2015

A regular meeting was held on Tuesday, August 4, 2015, at 7:00 p.m. at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York, 10512.

Workshop – The board reviewed and discussed the items on the workshop agenda in detail.

Pledge of Allegiance – At 9:25 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 – present
Councilman Mike Tierney –absent

Also Present: Town Clerk Yolanda "Lana" Cappelli, Highway Superintendent Rich Othmer, Town Counsel Nancy Tagliafierro of Hogan and Rossi, Police Chief Alex DiVernieri and Building Inspector Bill Walters.

Resolution #256 - Kent Highway – Awarding Material Bins Bid

On a motion by Councilman Denbaum
Seconded by Supervisor Fleming

WHEREAS, the Town of Kent duly advertised for bids for the construction of poured concrete material bins for the Highway Department; and

WHEREAS, one bid was received in response to the advertisement and the bid was opened and publicly read at the Kent Town Center on July 31, 2015; and

WHEREAS, F&A Concrete, Inc. LLC of Uniondale, New York submitted the lowest bid in the amount of \$37,000.00 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 F&A Concrete, Inc. LLC for the purchase of the construction of material bins at the Town Highway Department; 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.

Upon a roll call vote:

Councilman Denbaum – nay Councilwoman Osborn – aye
Councilman Huestis – aye Councilman Tierney – absent
Supervisor Fleming – aye
Motion carried

Resolution #257 – Authorizing Town Clerk to Advertise for Bids for Highway Services & Materials

On a motion by Councilman Denbaum
Seconded by Supervisor Fleming

WHEREAS, the Town of Kent wishes to advertise for bids for Highway Services and Materials located in the Town of Kent; and

WHEREAS, the Town Board of the Town of Kent wishes to authorize its Town Clerk, Yolanda D. Cappelli, to advertise for bids for Highway Services and Materials located in the Town of Kent;

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 bids Highway Services and Materials located in the Town of Kent.

Motion carried

Resolution #258– Sewer District Exemption– 520-523 Route 52 – Sclafani

TOWN BOARD MEETING/WORKSHOP AUGUST 4, 2015

On a motion by Councilman Denbaum
Seconded by Supervisor Fleming

WHEREAS, the Town of Kent is in receipt of a request from Anthony Sclafani, the owner of 520-523 Route 52, a vacant parcel of land located within the C (Commercial) District of the Town of Kent, New York, (the "Property"); and

WHEREAS, Mr. Sclafani, is requesting that the number of allotted flow between the Property and the Kent Sewer District be reduced to the property until such time the property is improved or sold; and

WHEREAS, the Town Board of the Town of Kent has considered the request;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby grants the request of Anthony Sclafani to reduce the flow allocated to the property from a rate of 4.9 to 1.

Upon a roll call vote:

Councilman Denbaum – nay, the reason being this is a large commercial property, similar to the other commercial properties in the district. Curtailing the flow to that of a very small parcel will have the effect of potentially freezing the property out of its true potential at a later time if the development goes forward. Absent some compelling reason beside the desire to not develop and not pay taxes, unfortunately that's shared by many members of the sewer district and voted no for the exemption.
Councilwoman Osborn – nay

Councilman Huestis – aye

Councilman Tierney – absent

Supervisor Fleming – votes yes because this is a non-developed parcel at this point, we do not have undeveloped parcels being charged. Mr. Sclafani was provided a connection and is willing to pay a portion even though he doesn't have flow, she doesn't think it unreasonable to reduce the flow.

Motion not carried

Councilwoman Osborn asked if there is flexibility on the unit of flow is he willing to pay for, possibly 2 units. Councilman Denbaum replied currently we are authorizing an exemption, we can offer half.

Resolution #259 – Add Item to Agenda

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

Resolved: The reconsideration of a Sewer District exemption for Anthony Sclafani when the full board is present at its next meeting be added to the agenda.

Motion carried

Resolution #260 – Reconsideration of Sewer District Exemption for Anthony Sclafani

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

Resolved: The Sewer District Exemption for Anthony Sclafani, 520 – 523 Route 52 will be reconsidered at the next meeting of September 9, 2015, when the full board is present.

Motion carried

Resolution #261 – Sewer District Exemption – Tax Map #33.18-1-43 – Pugliese-Romanino

On a motion by Councilman Denbaum

Seconded by Councilman Huestis

WHEREAS, the Town of Kent is in receipt of letters from Dorene Pugliese and Kimberly Pugliese-Romanino, the owners of 388-390 Route 52, which is a multi-family residential property located within the C

TOWN BOARD MEETING/WORKSHOP AUGUST 4, 2015

(Commercial) District of the Town of Kent, New York (the "Property"), copies of which letters are annexed hereto and made a part hereof; and

WHEREAS, by their letters, Ms. Pugliese and Ms. Pugliese-Romanino request that the Property be exempted from connection to the Kent Sewer District, because the cost of connection to the Kent Sewer District would be an economic hardship; and

WHEREAS, the Town Board of the Town of Kent has considered the annexed request;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby grants the request of Dorene Pugliese and Kimberly Pugliese-Romanino to exempt 388-390 Route 52 from connection to the Town of Kent from the Kent Sewer District.

Upon a roll call vote:

Councilman Denbaum – nay. He was not present when the Sewer District was formed and not a secret he was initially opposed to it. He likes development to come first as opposed to putting infrastructure in place and pray that development comes. His theory of government and economics says the private sector leads and the public sector follows. The sewer district is in place and unfortunate of this economic hardship that was brought upon this particular family but beside the fact that they have a temporary economic hardship it is hard to alter the nature of a commercial district which is in place for the foreseeable future based upon their current economic hardship, it is with a heavy heart and with some regrets that he votes nay

Councilwoman Osborn – it is a difficult vote and decision and voted nay

Councilman Huestis – nay

Supervisor Fleming – she has sympathy for people who are adversely affected economically but this is a commercial district this property is not entirely residential zoning at this point. Although she does have sympathy she feels compelled to vote no.

Councilman Tierney - absent

Motion not carried

Resolution #262 – Sewer District Exemption – Tax Map #33.48-1-23 Bennett

On a motion by Councilman Denbaum

Seconded by Councilwoman Osborn

WHEREAS, the Town of Kent is in receipt of a letter from Debra Bennet of 81 Lincoln Drive, a single family residential property located within the C (Commercial) District of the Town of Kent, New York, (the "Property"), a copy of which letter is annexed hereto and made a part hereof; and

WHEREAS, by her letter, Ms. Bennet requests that the Property be exempt from connection to the Kent Sewer District, because most of the Property lies outside of the Kent Sewer District, and only a small portion of the Property, including a garage with no plumbing, lies within the Kent Sewer District; and

WHEREAS, the Town Board of the Town of Kent has considered the annexed request;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby grants the request of Debra Bennet to exempt 81 Lincoln Road in the Town of Kent from connection to the Town of Kent Sewer District.

Upon roll call vote:

Councilman Denbaum – nay, he understands the property seeking to be exempt is currently without plumbing and is a garage, but that is the case on many properties in this district, Mr. Sclafani's included and other properties that are allocated flow and not hooked up, there are a lot of properties not hooked up to a toilet right now. The intent is if you do not have a toilet or plumbing you are exempt out from the sewer district. This individual does not plan to improve the garage at this point and put plumbing in it that is not unlike many members of the Sewer District. With

the intention to not improve it right now is not enough of a reason to exempt it from the sewer district and voted nay.

Councilwoman Osborn – aye, it is on a very small parcel, they are never going to be able to develop it, and if they were to develop it they would need building permits. Not being hooked up to the sewer would not probably work in their best interest, it would not be able to be developed anyway, under those circumstances, you cannot compare this piece of property to Mr. Sclafani' who has a large parcel which can have a vast development on it, this one is just a garage and should not be in the district and voted aye.

Councilman Huestis – aye

Supervisor Fleming – aye

Councilman Tierney – absent

Motion carried

Resolution #263 – Authorizing Correction of Violation, Acceptance of Proposal & Charge to Property Owners

On a motion by Councilwoman Osborn

Seconded by Supervisor Fleming

WHEREAS, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation directing the owners to remove all overgrowth of grass, weed and brush from the exterior area of each of the following properties in the Town of Kent:

35 Lockwood Road	Tax Map 33.42-2-6
34 Larchmont Road	Tax Map 33.50-1-31
56 Vernon Drive	Tax Map 22.84-1-31
28 Fairfield Road	Tax Map 33.66-1-15
33 Ticonderoga Road	Tax Map 22.80-1-7

(the "Properties"); and

WHEREAS, the Order to Remedy required the owner of each of the Properties to remove overgrowth from the exterior area of 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, with the exception of 33 Ticonderoga Road, more than ten days have elapsed since the service of the Order to Remedy and the owner of the Properties have failed to correct the violations as required by the Order to Remedy, or submit a written request to the Code Enforcement Officer to discuss remedial action to abate the violation; and

WHEREAS, the Order to Remedy was provided to the owner of the property located at 33 Ticonderoga Road on July 29, 2015 and ten days will have elapsed on August 8, 2015; and

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 immediately correct the violations at 35 Lockwood Road, 34 Larchmont Road, 56 Vernon Drive and 28 Fairfield Road and the costs of such correction shall be charged to the property owners;

WHEREAS, the Town Board wishes to authorize the Building Inspector to correct the violation and the costs of such correction shall be charged to the property owner of 33 Ticonderoga Road, if the violation is not corrected or a written request to the Code Enforcement Officer for a hearing is not received by August 8, 2015, and

WHEREAS, consistent with the Town's Procurement Policy, the Town of Kent obtained written proposals from contractors to correct the violation on the Properties, copies of which are annexed hereto and incorporated by reference; and

TOWN BOARD MEETING/WORKSHOP AUGUST 4, 2015

WHEREAS, JB Affordable Lawn Care, Inc. of Fishkill, New York has submitted the lowest proposal to clear all six properties as follows:

35 Lockwood Road	\$125
34 Larchmont Road	\$100
56 Vernon Drive	\$125
28 Fairfield Road	\$70
33 Ticonderoga Road	\$75

and

WHEREAS, the Town Board of the Town of Kent wishes to accept the proposal submitted by JB Affordable Lawn Care, Inc. in the amount of \$495 as set forth above;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the proposal of JB Affordable Lawn Care, Inc. for the correction of the violation on the Properties; 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 violations, 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 each property owner by the Town in accordance with Chapter 55A-12(B).

Motion carried

Resolution #264 – Authorizing Contract with Putnam County Office for Senior Resources

On a motion by Councilwoman Osborn

Seconded by Councilman Huestis

WHEREAS, the Town of Kent has previously contracted with Putnam County Office of Senior Resources to provide outreach services to residents in the Town of Kent; and

WHEREAS, the Town Board wishes to renew its agreement with the Putnam County Office of Senior Resources to continue to provide outreach services to residents in the Town of Kent; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes and approves the payment of a cost not to exceed \$2,500 to the Putnam County Office for Senior Resources to continue its outreach services to Kent residents; 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 # 265– Authorizing Easement to New York State Gas & Electric

On a motion by Councilwoman Osborn

Seconded by Councilman Huestis & Supervisor Fleming

WHEREAS, the Town Board of the Town of Kent has received a proposal dated July 15, 2015 by the New York State Electric and Gas Corporation (hereinafter "NYSEG") showing a proposed Easement upon, under and across premises shown on the Tax Map of the Town of Kent as 22.-1-23.1; and

WHEREAS, said Easement would grant NYSEG permission to install a pad mounted transformer on the property for the underground wires to connect as shown on the enclosed sketch dated April 4, 2015 drawn by Thomas Rocca; and

WHEREAS, said Easement would grant NYSEG ingress and egress over the property to the extent necessary to access the transformer with personnel, vehicles, and equipment; and

WHEREAS, the Town Board wishes to grant the aforementioned Easement; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the grant of an easement over the parcel shown as 22.-1-23.1; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes and directs the Supervisor to execute such easement agreements, and all other documents necessary to give effect to this Resolution, consistent with the terms hereof and in such form as is satisfactory to the Town Attorney.

Motion carried

Resolution #266 - Add Amend Resolution #236 to the Agenda

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: Amend Resolution #236 was added to the Agenda

Motion carried

Resolution #267 - Amend Resolution #236 Purchase of a Server by Police Department

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

WHEREAS, on July 7, 2015, by Resolution #236 the Town Board authorized the purchase of a server by Police Department from CDWG in an amount not to exceed \$5,361; and

WHEREAS, the desired server is available through NYS Office of General Services Contract NEG-21193 for the lower price of \$4,874.74; and

WHEREAS, the Chief of Police has requested that Town Board amend Resolution #236 to authorize the purchase of a server from Dell in an amount not to exceed \$4,874.74;

NOW THEREFORE, BE IT RESOLVED, that Resolution #236 is hereby amended to authorize the Police Department to purchase a server from Dell in an amount not to exceed \$4,874.74.

Motion carried

Resolution #268- Approve Vouchers & Claims

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: All Vouchers and Claims submitted by:

- | | | |
|-----------------------------|-------------|----------------------------|
| 1. Cemco Water | \$4,905.00 | Emergency Repair |
| | \$2,020.00 | Septic Pump |
| 2. City Carting | \$5,608.81 | Lake Carmel Garbage |
| | \$5,252.29 | |
| 3. Goosetown Communications | \$22,050.00 | Radio System |
| 4. Hogan & Rossi | \$5,416.67 | August 2015 |
| 5. Kent Senior Citizens | \$9,429.50 | Trips |
| 6. Purchase Power | \$2,000.00 | Postage |
| 7. State Comptroller | \$29,448.00 | Justice Court Fines & Fees |
| 8. Stroker Trucking | \$2,800.00 | Cowboy Sand |

may be paid.

Motion carried

Correspondence (attached)

Public Comment

There was none.

Resolution #269- Adjournment

On a motion by Councilman Huestis

TOWN BOARD MEETING/WORKSHOP AUGUST 4, 2015

Seconded by Supervisor Fleming

Resolved: The Town Board meeting of August 4, 2015 adjourned at 9:54 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli
Town Clerk