

## TOWN BOARD MEETING/WORKSHOP NOVEMBER 17, 2015

A regular meeting was held on Tuesday, November 17, 2015, at 6:00 p.m. at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York, 10512.

### **Resolution #343- Open Meeting & Adjourn to Executive Session**

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: The meeting of November 17, 2015 opened at 6:15 p.m. and immediately adjourned to executive session to discuss proposed, pending or current litigation, collective negotiations pursuant to article fourteen of the Civil Service Law pursuant to the Taylor Law.

Motion carried unanimously.

### **Resolution #344- Adjourn Executive Session**

On a motion by Supervisor Fleming

Seconded by Councilman Tierney

Resolved: At 7:15 p.m. Executive Session adjourned.

Motion carried unanimously.

### **Recognition - Betty Behr**

Supervisor Fleming said during her two years in office she has had the pleasure of getting to know Betty Behr. Betty is a remarkable human being, she is a pleasure to deal with and contains a wealth of information about not just the town and anything. Unfortunately, she has submitted her letter of resignation, which we accepted with regret at the last meeting and we chose this evening to honor Betty, for her service to the town. Lana Cappelli, Town Clerk said Betty's dedication to seeing the Town of Kent's Record Management Program to its current status is second to none. She was with us from its inception. From the inventory, to the sorting, sitting amongst boxes and boxes, during the microfilm grants, enduring the many paper cuts, and unspoken hazard of the job. She was with us during the move from the old town hall to the Kent Centre. She has contributed immensely to the success of the Records Management program. The service she has provided has exceeded all expectations. We recognize you tonight & greatly appreciate your hard work, your dedication and your efforts. You will be truly missed. The Town Board presented Betty with a plaque, thanking her for her many years of distinguished service. Betty thanked the Supervisor and Town Board, even though everyone does not know her as long as Penny and Bill, she thanked them for the opportunity to be here and serve at Town Hall. She has worked for the town through seven different administrations and their staff. Through that all she is privileged to have known each one and made many friends and to accomplish the work that was done, the records management program is ready for preservation and use and thanked them for the ability to do that.

### **Public Hearing - 2016 Budget**

Supervisor Fleming said the hearing was adjourned until this evening no further written comment was received. Councilman Huestis requested an initiative at Huestis Park, located off of Farmers Mills Road. He recommended the repaving and rehab of the basketball court, a 2" binder and 2" cap, it is 84' x 60', and the cost estimate is \$10,000. He said money has been saved approximately \$9,000 from the recreation budget over the past few months. He presented pictures during the budget process, demonstrating the basketball courts condition which has not been paved in over 20 years. There are cuts and grass growing through. This should not impact the budget and should be a wash. He has received complaints from residents as to the condition. He asked the board to consider this. Councilman Denbaum was in favor of something like this, he doesn't know if there is something in the parks budget to offset this at all. He is not one to hand out money, but there is no point in having a town park if no one can play there, the roots are up and not accessible to the residents. He supported adding \$10,000 to the budget possibly being offset. Supervisor Fleming was unclear how this is accomplished. If we are doing it at this point we do not have the opportunity to go back and adjust other lines, she thought the only solution is adding to the reliance of fund balance being used to purchase a needed piece of recreation equipment. We would have to increase the reliance on fund balance from \$60,000 to \$70,000. Councilwoman Osborn was in favor of doing that. Councilman Huestis said the savings of \$9,000 from Recreation will go back into the fund balance. He wants to see something done for western Kent. He believes the blacktop plants are closing

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and hopefully this can be addressed in the spring. We do have new backstops and a well from a grant and anticipates working on additional grants. Supervisor Fleming asked if the figure is based upon the size. Councilman Huestis replied the estimate is from the Recreation Director. The entrance way and parking lot has not been maintained, he appreciates highway filling in the pot holes, it is time that something is done, and if you build it they will come. He hopes for additional programs and progress that will not impact the budget. Councilman Osborn asked who will do the blacktop. Councilman Huestis thought an outside vendor, as highway does not have a paver any more; the original court was built by Kent Highway and has held up for many years. Supervisor Fleming explained we would make a motion to close the public hearing and a motion to amend the Preliminary Budget to use \$10,000 of General Fund for the improvements at Huestis Park. Once done we can make a resolution to adopt the budget.

**Resolution #345 - Close Public Hearing on 2016 Town Budget**

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The public hearing on the 2016 Budget was closed.

Motion carried unanimously.

**Workshop**

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

**Public Comment**

There was none.

**Pledge of Allegiance**

At 8:00 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 –present

Also Present: Town Clerk Yolanda “Lana” Cappelli, Town Counsel Nancy Tagliafierro of Hogan and Rossi, Highway Superintendent Rich Othmer, Sgt. Yeager, and Recycling Co-Chairperson Sue Kotzur.

**Resolution # 346 - Add to the Agenda**

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: Revise the 2016 Preliminary Budget was added to the agenda.

Motion carried unanimously.

**Resolution #347 - Revise 2016 Preliminary Budget**

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The amount of \$10,000 was added to the 2016 Preliminary Budget for the Recreation Department’s Budget for improvements to Huestis Park using General Fund Balance not increasing taxes.

Motion carried unanimously.

**Resolution #348 - 2016 Budget**

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

**WHEREAS**, on November 5, 2015 and November 10, the Town Board of the Town of Kent duly held a public hearing on the Preliminary Budget for the fiscal year 2016; and

**WHEREAS**, the Town Board heard all persons desiring to be heard in the matter, and the matter of the budget for the Town for said fiscal year was fully discussed and considered by the Town Board,

**NOW THEREFORE BE IT RESOLVED** that the Final Budget, as incorporated herein and made a part hereof, is hereby adopted as the annual budget of the Town of Kent for the

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fiscal year beginning the 1st day of January, 2016 and that such budget as so adopted be entered in detail in the minutes of the Town Board; and

**IT IS FURTHER RESOLVED** that the Town Clerk of the Town of Kent, Yolanda D. Cappelli, shall prepare and certify in duplicate, copies of said annual budget as adopted by this Town Board, and deliver one copy thereof to the Town Supervisor Maureen Fleming, to be presented by her to the Putnam County Board of Legislators.

Upon Roll Call Vote:

Councilman Denbaum: He said for the second year in a row the budget does not increase taxes, something the board should be commended for. Something that goes unnoticed there is all this talk about towns staying under the tax cap but all that means is they raised taxes by 1 or 2%. Our budget once again did not raise taxes at all. It gets missed in the papers. We did not increase taxes and stayed the same. We are unique being the only town and should be commended. We did not see much public attendance at the hearings, he doesn't know if it is a good or bad thing, usually when something is wrong there is a ton of people, it means no outrageous spending, is being done to upset anyone, the budget is not perfect and probably never will be but a budget that doesn't raise taxes and voted - aye

Councilwoman Osborn - aye

Councilman Huestis - aye

Councilman Tierney - aye

Supervisor Fleming - Last year when the budget was presented, someone said you didn't raise taxes, and she said yes we are proud of that, they suggested they be raised a little, because if you don't they will expect that again next year, and she replied what's to say we will, we didn't raise taxes last year and proved that person wrong because we worked real hard and didn't raise taxes this year and voted - aye

Motion carried unanimously

**Resolution #349 - Authorize Purchase of Trees 301 Highway Dept**

On a motion by Councilman Denbaum

Seconded by Councilwoman Osborn

**WHEREAS**, the Town Board of the Town of Kent has received a request from the Town Highway Superintendent, Richard T. Othmer, Jr., to authorize the purchase and planting of trees to reduce the visibility of the Town Highway Garage and the cell tower located at 301 Smokey Hollow Court; and

**WHEREAS**, in accordance with the Town's Procurement Policy, the Highway Superintendent obtained three quotes for the purchase and planting of ten 12' trees; and

**WHEREAS**, Kent Countryside Nursery, Inc. has submitted the lowest quote in the amount of \$8,000.00;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes and approves the purchase and planting of ten, 12' trees at the Highway Garage Located at 301 Smokey Hollow from Kent Countryside Nursery, Inc. at a cost not to exceed \$8,000.00.

Motion carried unanimously.

**Resolution #350 - Accepting Ballard Cemetery As Abandoned**

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

**WHEREAS**, Ballard Cemetery located on Horsepound Road within the Town of Kent is a public, not-for-profit cemetery; and

**WHEREAS**, the Town Board of the Town of Kent has been notified by the Department of State, Division of Cemeteries, that Ballard Cemetery is abandoned because the Cemetery Association currently has less than three Trustees, as required by law; and

**WHEREAS**, pursuant to Town Law §291, title to every lot which has been used as a cemetery for a period of 14 years vests in the Town; and the Town Board is charged with the maintenance of abandoned cemeteries; and

**WHEREAS**, the sole remaining Trustee of Ballard Cemetery, Mr. Light, seeks to turn the cemetery over to the Town of Kent and has offered to turn over the records of Ballard Cemetery to the Town;

**WHEREAS**, the Town Board of the Town of Kent is willing to accept the cemetery and its records in accordance with Town Law §291 regarding abandoned cemeteries;

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**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts Ballard Cemetery and its records as an abandoned cemetery within the Town of Kent in accordance with Town Law §291; 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 #351 - Introduce Local Law #3/2015 - Amendment to Ch 14 Personnel Regulations**

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

**BE IT T RESOLVED** that an amendment to Kent Town Code Chapter 14 entitled "Personnel Regulations", is hereby introduced by Maureen Fleming as Introductory Local Law #3 of the year 2015 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, which is attached hereto, be laid upon the desk of each member of the Board, and

**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 December 1, 2015, 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 five (5) days prior thereto.

Motion carried unanimously.

TOWN OF KENT  
AMENDMENT TO  
CHAPTER 14 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 14 Entitled "Personnel Regulations" is hereby amended to read as follows:

§ 14-12. Money in lieu of health insurance.

A.

**Commencing with the election of newly elected part time officials for the 2016 term, only ~~[F]~~full-time** Town employees and **full-time** elected officials, **specifically the Town Supervisor, the Highway Superintendent and the Town Clerk,** are eligible for health insurance coverage paid for, in part, by the Town. Any such **eligible** employee or elected official shall have the option of either receiving Town-paid health insurance or money in lieu of health insurance coverage, which compensation shall be paid as follows: An employee or elected official who qualifies for family coverage shall be entitled to receive payment of [~~\$2,000~~] **\$2,400** per year; an employee or elected official who qualifies for single coverage shall be entitle to receive payment of [~~\$1,000~~] **\$1,200** per year.

B.

The decision of whether or not an **eligible** employee or **eligible** elected official chooses to be paid money in lieu of health insurance must be communicated to the Town Supervisor, in writing, no later than December 15 of the year prior to the year such choice is to take effect. Payment of such money in lieu of health insurance shall be made at the end of each quarter.

C.

Any **eligible** employee or **eligible** elected official having chosen to opt out of the Town health insurance plan shall also have the right to be reinstated in the plan, upon 30 days' prior written notice to the Town Supervisor, and a pro rated settlement of that quarter shall be made. Such reinstatement will take effect on the first day of the month following the date that written notice is approved and accepted by the Town Board.

Section 2. This local law shall take effect immediately.

**Resolution #352 - Hazard Mitigation Plan**

On a motion by Councilwoman Osborn

Seconded by Supervisor Fleming

**WHEREAS**, the Putnam County Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

**WHEREAS**, the Town of Kent is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

**WHEREAS**, the Town Board of the Town of Kent has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

**NOW THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Kent that the Town of Kent adopts the Putnam County Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

Motion carried unanimously.

**Resolution #353 - Authorizing Contract for Auditing Services**

On a motion by Councilwoman Osborn

Seconded by Supervisor Fleming

**WHEREAS**, the Town of Kent is in need of an auditing services for the 2015 fiscal year; and

**WHEREAS**, O'Connor Davies has provided a proposal for such services for a fee of \$36,700; and

**WHEREAS**, the Town Board believes it to be in the best interests of the Town to accept the proposal of O'Connor Davies;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts the proposal of O'Connor Davies to provide auditing services to the Town of Kent for the 2015 fiscal year for a fee of \$36,700; 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 #354- Hire PT Substitute for Lake Carmel Park District**

On a motion by Councilwoman Osborn

Seconded by Councilman Huestis

**WHEREAS**, the Town of Kent is seeking to hire a substitute to work part time for the Lake Carmel Park District for no more than 29 hours per week; and

**WHEREAS**, the "sub list" will be used to fill this part time position as needed; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes the hiring of a part time substitute for the Lake Carmel Park District, from the sub list, as needed to work no more than 29 hours per week at a rate of \$10 per hour.

Motion carried unanimously.

**Resolution #355 - Authorizing Contract with Genserve Inc.**

On a motion by Councilman Tierney

Seconded by Supervisor Fleming

**WHEREAS**, the Town of Kent desires to enter into a service maintenance agreement to maintain the generators at the Town Hall, Police Department, Kent Highway Department, and Water District #1; and

**WHEREAS**, GenServe Inc. has provided a proposal for such services at a annual cost of \$5,230, a copy of which is attached hereto and hereby made a part hereof; and

**WHEREAS**, the Town Board believes it to be in the best interests of the Town to accept the GenServe Inc. proposal and authorize the payment of the requested for a 3 year term.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts the proposal of GenServe Inc. for a 3 year annual cost of \$5,230 for ; and

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**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 #356 - Add to Agenda**

On a motion by Councilman Tierney

Seconded by Councilwoman Osborn

Resolved: Pay raises for the non-union, Town Hall employees was added to the agenda.

Motion carried unanimously.

**Resolution #357 - Pay raise for Non-Union Town Hall Employees**

On a motion by Councilman Tierney

Seconded by Supervisor Fleming

Resolved: All non-union, Town Hall employees will receive a 2% raise for the calendar year 2015 effective January 1, 2015 and a 2% raise for the calendar year 2016, effective January 1, 2016. In addition a \$100 increase to longevity at each step effective January 2016.

Supervisor Fleming clarified that town hall employees that category does not include elected officials.

Motion carried unanimously

**Correspondence**

Attached

**Resolution #358 - Approve Vouchers and Claims**

On a motion by Councilman Huestis

Seconded by Councilwoman Osborn

Resolved: All Vouchers #200135259 - # 200135572 and claims submitted by:

1. Arkel Motors	\$4,196.27	Auto Parts
2. Beyer Ford	\$41,759.58	Police Interceptor
3. City Carting	\$4,160.45	Lake Carmel Garbage
4. Chemung Supply	\$28,905.16	Highway Material
5. Craig Zottola Inc.	\$2,293.03	Rear Brake Replacement
	\$11,406.21	Engine Repair
6. Lumar Plumbing	\$2,255.00	Water District #1
7. NYCOMCO	\$2,622.00	2 Way Radios: Police
8. Royal Carting	\$5,800.95	Recycling Garbage
9. Town of Kent Municipal Repairs	\$2,833.34	Chargebacks: Police

In the amount of \$131,151.12 may be paid.

Motion carried unanimously.

**Public Comment**

There was none

**Resolution #359 - Adjournment**

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Seconded by Supervisor Fleming

Resolved: The Town Board Meeting of November 17, 2015 adjourned at 8:32 p.m.

Motion carried unanimously.

Respectfully submitted,

Yolanda D. Cappelli  
Town Clerk