

## TOWN BOARD MEETING/WORKSHOP OF JANUARY 31, 2017

A regular meeting of the Town Board was held on Tuesday January 31, 2017 at 7:00 p.m., at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York, 10512.

**Pledge of Allegiance-** At 7:05 p.m. Supervisor Fleming called the Workshop Meeting to order with the Salute to the Flag.

### **Workshop Meeting**

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

**Public Comment-** There was none.

### **The Town Board Meeting was called to order with Roll Call at 9:05 p.m.**

Supervisor Maureen Fleming – present	Councilman Paul Denbaum – present
Councilwoman Jaime McGlasson – present	Councilman Bill Huestis – present
Councilman Scott Chin – present	

**Also Present:** Town Clerk Cappelli, Town Counsel Nancy Tagliafierro, Recreation Director Lou Fernandez, Highway Superintendent Rich Othmer, Police Chief Alex DiVernieri , and two residents

### **Resolution #78 - Authorizing Town Clerk to Advertise for Start Smart Baseball Assistants, Seasonal Park Maintenance Workers & Part-Time Park Maintenance Workers**

On a motion by Councilman Denbaum  
Seconded by Councilwoman McGlasson

WHEREAS, the Town of Kent is seeking to fill positions for Start Smart Baseball Assistants, seasonal park maintenance workers and part time park maintenance workers 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 Baseball assistants, seasonal park maintenance workers and part time park maintenance workers in the Town of Kent Recreation Department.

Motion carried unanimously

### **Resolution #79 - Authorize Highway Superintendent to Delineate Boundaries – Smokey Hollow Highway Garage**

On a motion by Councilman Denbaum  
Seconded by Supervisor Fleming

WHEREAS, the Town of Kent owns a highway garage situated upon Smokey Hollow Road in the Town of Kent, consisting of two lots identified as Tax Lots 43.-2-31 and 43.-3-31(the "Garage Property"); and

WHEREAS, the Highway Superintendent has advised the Board that there is a need to identify and secure the boundaries of the Garage Property in order to safeguard Town employees and property and prevent unauthorized access; and

WHEREAS, the Owner of adjoining property identified as Tax Lot 42.-2-33 has advised the Town Board that a legal right of access was granted in favor of his tax lot across the parking lot of the Garage Property; and

WHEREAS, the Town Board has caused a title search to be done and has thoroughly reviewed the title search and survey, both of which are attached hereto and incorporated by reference; and

WHEREAS, the title search and survey have also been reviewed by Town Counsel, who advises the Board that no rights of access exist from Tax Lot 42.-2-33 across the Garage Property; and

WHEREAS, the survey shows that a small portion of land owned by the Town runs across an area of the driveway used by the residents of adjoining property at Tax Lot 42.-2-33 from Route 301, and the Town Board wishes to continue to allow those residents to travel over that portion of Town property;

WHEREAS, the Town Board believes it to be in the best interests of the Town to otherwise secure the Garage Property, delineate the boundary lines and eliminate liability that might arise from unauthorized access to the Smokey Hollow Highway Garage site;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes the Highway Superintendent to install guardrails and gates to limit its liability and to prevent unauthorized access across the Garage Property parking lot for the safety of Town employees and Town property; and

**IT IS FURTHER RESOLVED**, that the portion of Town property which exists over the driveway to Tax Lot 42.-2-33 shall not be delineated so that the residents of Tax Lot 42.-2-33 may continue to use that portion of Town 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.

**Roll Call**

Councilman Denbaum – there was a lot of discussion about a lot of issues and accusations made; he does not want his vote to be an endorsement of any of those accusations or allegations. He is voting no on this resolution simply because the garbage has been collected here for 29 years or so, and feels that the town has been doing this for 30 years and will not be the end of the year if we continue to do it. This vote of no is not a vote against the Highway Superintendent in any way or an agreement to any of the allegations, its' simply limited to the specific issue and voted no.

Councilwoman McGlasson – believes it is a huge liability, with a garbage truck and others pulling in and out of there and voted aye

Councilman Huestis – aye

Councilman Chin – aye

Supervisor Fleming – agrees with Councilwoman McGlasson believing this to be a major liability for the town. She thinks because we have done this in the past and made a mistake there is no reason to continue the mistake and voted - aye

Motion carried

**Resolution #80 - Accepting Member to Lake Carmel Fire Department**

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

**WHEREAS**, the Lake Carmel Fire Department has recommended to the Town Board of the Town of Kent the acceptance of Robert Demarr as a new member of the Lake Carmel Fire Department; and

**WHEREAS**, the Town Board of the Town of Kent wishes to accept the recommendation of the Lake Carmel Fire Department;

**NOW, THEREFORE, BE IT RESOLVED**, that Town Board of the Town of Kent hereby accepts Robert Demarr as a member of the Lake Carmel Fire Department; 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 #81 - Set Public Hearing for Fire Protection Services with Lake Carmel Fire Department**

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

**WHEREAS**, the Kent Town Board has negotiated for fire protection services with the Lake Carmel Fire Department for calendar year(s) 2017 and 2018 a copy of said contract is annexed hereto; and

**WHEREAS**, the Town Board wishes to set a public hearing on the aforementioned contract.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby sets a public hearing on said contract at the Town Hall, in the Town of Kent, New York at 7:00 p.m. on February 28, 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 five (5) days prior thereto.

Motion carried unanimously

**Resolution #82 - Enter into Boundary Line Agreement TM# 9.-1-59 & TM# 9.-1-54**

TOWN BOARD MEETING/WORKSHOP OF JANUARY 31, 2017

On a motion by Councilwoman McGlasson  
Seconded by Councilman Chin

**WHEREAS**, the Town of Kent is the owner of vacant property designated as Tax Lot No. 9.-1-59 and Dennis Tompkins and Kelly Tompkins, f/k/a Kelly Frey, are the owners of adjacent property designated as 9.-1-54 having an address at 256 Hortontown Road in the Town of Kent; and

**WHEREAS**, there exists an uncertainty regarding the property boundary lines between the two properties described above and the parties wish to fix and definitely establish the boundary line between the parcels; and

**WHEREAS**, Mr. and Mrs. Tompkins have caused a title search to be performed by Premier Abstract Corp., a copy of which is attached hereto and incorporated herein, and the title search indicates that the boundary line uncertainty arose as a result of an incorrect property description which included a significant misdescription in the size and tax lot; and

**WHEREAS**, Mr. and Mrs. Tompkins have consistently paid the correct real property tax for the entire lot 54 and wish to correct the misdescription by entering into a boundary line agreement; and

**WHEREAS**, Town Counsel has reviewed the request and the title report and agrees that the Town of Kent has never had title to the property in question and recommends entry into the proposed Boundary Line Agreement, also attached hereto;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes the Town Supervisor to enter into the Boundary Line Agreement with Dennis and Kelly Tompkins, and to execute such other further documentation necessary to give effect the to this Resolution.

Motion carried unanimously

**Resolution #83 - Release of Review Fees Bob Bradley – TM# 33.24-1-3**

On a motion by Councilwoman McGlasson  
Seconded by Councilman Chin

**WHEREAS**, Bob Bradley (the “Owner”) owns a parcel of land at 11 Craft Road, Kent, New York, identified as Tax Map No. 33.24-1-3 (the “Lot”); and

**WHEREAS**, the Owner submitted to the Planning Board a review fee in the amount of \$337.35 in connection with a lot-line adjustment; and

**WHEREAS**, the Owner has submitted a request that the review fee be returned to the Owner; and

**WHEREAS**, the Planning Board, at their meeting held on January 20, 2017, approved Resolution #1 of Year 2017 recommending that the review fee in the amount of \$337.35 be returned to the Owner; and

**WHEREAS**, the Town Board of the Town of Kent wishes to follow the recommendation of the Planning Board;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes the return of the review fee in the amount of \$337.35.

Motion carried unanimously

**Adoption of Standard Workday for Elected Officials - Tabled**

**Resolution #84 - Add to the Agenda**

On a motion by Supervisor Fleming  
Seconded by Councilman Denbaum

Resolved: The hiring of a temporary part time clerk to the Assessor was added to the agenda  
Motion carried unanimously

**Resolution #85 - Appointment of a Temporary PT – Clerk**

On a motion by Supervisor Fleming  
Seconded by Councilman Denbaum

TOWN BOARD MEETING/WORKSHOP OF JANUARY 31, 2017

Resolved: The temporary hiring of a PT- Clerk to assist the Assessment Clerk at a rate not to exceed \$15.00 per hour for a period not to exceed 10 days for a total not to exceed \$1,200 was approved.  
Motion carried unanimously

**Resolution #86 - Vouchers & Claims**

On a motion by Councilman Chin

Seconded by Councilman Huestis

Resolved: All Vouchers #200140515 - #200140749 and claims submitted by:

1. Accela	\$8,208.24	Quarterly Installments
2. Auto Craft Body & Collision	\$2,980.00	Repair to Ford Explorer
3. City Carting	\$6,101.33	Lake Carmel Garbage
4. Commissioner of Finance	\$2,500.00	Outreach Worker
5. Timothy J. Curtiss, P.C.	\$6,520.50	November General
6. Heritagenergy	\$3,594.79	Diesel
7. Hogan & Rossi	\$2,400.75	December Out of Retainer
8. Larry Reynolds Tree Service, Inc.	\$2,425.00	Hortontown Rd Tree Removal
9. Morton Salt	\$65,457.96	Salt
10. PKF O'Connor Davies, LLP	\$9,175.00	Financial Statement Services
11. Put Cty Commissioner of Finance	\$2,601.26	Erroneous Assessment

**2017**

1. City Carting	\$4,597.35	Lake Carmel Garbage
	\$3,975.77	
	\$4,687.99	
2. Extreme Designs	\$2,145.25	Basketball T-shirts
3. Morton Salt	\$29,058.06	Salt
4. NYCOMCO	\$2,622.00	2 Way Radio: Police
5. NYS Dept of Civil Services	\$205,000.56	Health Insurance
6. Paul Congelosi Trailer Sale, Inc.	\$12,451.00	Trailer
7. VRI Environmental Services	\$2,008.52	Leak Pump Station
8. Windstream	\$4,099.63	Telephone Service

In the amount of \$252,870.20 may be paid.

Motion carried unanimously

**Correspondence**

Attached

**Public Comment**

There was none

**Resolution #87 - Adjourn to Executive Session**

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: The Town Board adjourned to Executive Session at 9:20 p.m. to discuss pending litigation.

Motion carried unanimously

**Resolution #88 - Adjournment**

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: The Town Board meeting of January 31, 2017 adjourned at 9:52 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli  
Town Clerk

