

TOWN BOARD MEETING OF APRIL 10, 2018

A regular meeting was held at 6:30 p.m. at the Kent Town Hall, 25 Sybil's Crossing, Kent Lakes, New York 10512.

Resolution #154 - Adjourn to Executive Session

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The town board adjourned to executive session at 6:37 p.m. to discuss the medical, financial, credit or employment history of a particular person or corporation and current litigation.

Motion carried unanimously

Resolution #155 – Approving Settlement *Minutes in Executive Session taken by Town Counsel Nancy Tagliafiero*

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

WHEREAS, there is currently a litigation pending in United States District Court for the Southern District of New York, captioned *Kastle v. The Town of Kent, et. al.*, Docket No. 13-CV-2256; and

WHEREAS, Sokoloff Stern, counsel to the Town of Kent, has entered into settlement negotiations and recommends that the Town settle this matter for the sum of \$37,500, such sum to be paid in exchange for a full and final release in favor of the Town from all claims therein;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent accepts the recommendation of Sokoloff Stern, and authorizes the Town Supervisor to execute any and all documents necessary to settle this matter, in a form approved by the Town Attorney. Motion carried unanimously

Resolution #156 - Adjourn Executive Session

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: Executive session adjourned at 7:16 p.m.

Motion carried unanimously

Pledge of Allegiance

Supervisor Fleming called the Workshop meeting to order with the Salute to the Flag.

Workshop

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

Public Comment

Howard Carpenter of the Recycling Center said they have a newly erected building up for a while. He said he wrote to a number of electric companies for a bid and received back two very competitive bids. He said they would like to proceed with the lowest bid and thinks it honorable and proper. He asked the board for approval to proceed. Town Counsel Tagliafiero understood the Recycling Committee was asked to obtain a third bid consistent with the Town's Procurement Policy. The policy is not in place to make it difficult or to add to more tasks, but required by the State of New York to make sure we are obtaining the lowest possible price. She understood another company with lower prices was suggested and did not think it was out of line to get the third price, it's an obligation under the law. Mr. Carpenter said the town advertised for an Insurance bid, received one and accepted a very large bid, he asked how can you accept that and not theirs. Town Counsel Tagliafiero didn't understand the push back to request a price for a company noted to have lower prices. Mr. Carpenter said the pricing was published. Supervisor Fleming said it has become an issue; you decided who you want, Councilwoman McGlasson suggested another company who has worked for other departments and always given the lowest prices doing professional work. She said rather than having this company come, give an estimate you dug your heels in, if they did not give you the lowest quote than you go ahead. Mr. Carpenter understood the prices have been published.

Roll Call

Supervisor Fleming –present

Councilman Denbaum – present

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Councilwoman McGlasson – present
Councilwoman Woolley – present

Councilman Huestis – present

Councilman Denbaum suggested moving up the prepared resolutions regarding Councilwoman Woolley.

Resolution #157 - Amend Resolution #136 Accepting Resignation of Councilman Chin

On a motion by Councilman Denbaum
Seconded by Supervisor Fleming

WHEREAS, by letter dated March 1, 2018, Councilman Chin submitted his resignation from the Town Board effective as of March 21, 2018; and

WHEREAS, the Town of Kent wishes to accept the resignation of Councilman Chin with real regret and, with thanks for his service to the Town, and with best wishes to him and his family in all of their future endeavors;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts the resignation of Councilman Chin.
Motion carried unanimously

Resolution #158– Amend Resolution #138 Appoint Member to Town Board

On a motion by Councilman Denbaum
Seconded by Councilwoman McGlasson

WHEREAS, pursuant to Town Law Section 64, when a vacancy occurs on the Town Board, the Town Board, or a majority of the members thereof, may appoint a qualified person to fill the vacancy until the commencement of the calendar year next succeeding the first annual election at which the vacancy may be filled; and

WHEREAS, the Town Board wishes to appoint Christine Woolley to fill the vacant Town Board seat until December 31, 2018.

NOW, THEREFORE, BE IT RESOLVED, that Christine Woolley be appointed to the Town Board until December 31, 2018.

Roll Call

Councilman Denbaum – aye Councilwoman McGlasson – aye
Councilman Huestis – aye

Supervisor Fleming – voted no with no disrespect to Councilwoman Woolley for the reasons stated at the last meeting. She thinks the process by which this was done is flawed. She thinks we left the community out of the process and we have always been a town board that was open to the public, that took the voice of the public very seriously and for that reason again, she hopes Councilwoman Woolley has a very successful run, she is sure we will work together collaboratively but for the reasons the way this process was conducted she voted no.
Motion carried

Resolution #159- Table Resolution Rescission of Resolutions #136 & #138

On a motion by Councilman Denbaum
Seconded by Councilman Huestis
Resolved: Resolution the Rescission of Resolution #136 & 138 were tabled.
Motion carried unanimously

Resolution #160 - Approve Trolling Motor Pilot Program – Lake Carmel Park District

On a motion by Councilman Denbaum
Seconded by Supervisor Fleming

WHEREAS, the Town Board of the Town of Kent has received a proposal from the Lake Carmel Park District Advisory Board dated February 27, 2018 (the “Proposal”), a full and complete copy of which is annexed hereto and hereby and made a part hereof, recommending a pilot program to allow a limited number of boats with electronic trolling motors on Lake Carmel; and

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WHEREAS, according to the Proposal the program will provide ecological benefits to Lake Carmel and all participants will be subject to rules and regulations, outlined in the Proposal, to maintain the health of the Lake; and

WHEREAS, the Town Board of the Town of Kent desires to approve the Trolling Motor Pilot Program and adopt the Rules and Regulations as outlined in the Proposal;

NOW, THEREFORE, BE IT RESOLVED, that Town Board of the Town of Kent hereby approves the Trolling Motor Pilot Program as set forth in the Proposal and adopts the Rules and Regulations as further detailed in the Proposal.

Motion carried unanimously

Resolution #161 - Accept Resignation of Lake Carmel Park District Advisory Board Member

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

WHEREAS, the Town of Kent wishes to accept the resignation of Kathleen Wiede as a member of the Lake Carmel Park District Advisory Board with regret;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts the resignation of Kathleen Wiede as a member of the Lake Carmel Park District Advisory Board with thanks for her service.

Motion carried unanimously

Resolution #162 - Authorizing the Execution & Delivery of an Amended & Restated Municipal Cooperation Agreement & Related Documents by & Among Several Municipal Corporations, School District, Fire District &/or Boards of Cooperative Educational Services to Provide for the Cooperative Temporary Investment of Public Funds

On a motion by Councilwoman McGlasson

Seconded by Councilwoman Woolley

WHEREAS, the Town of Kent (the "Town"), pursuant to the provisions of the General Municipal Law and its investment policy, after due investigation, evaluation and deliberation, has determined that it is in the best interest of the Town to invest a portion of its public funds on a cooperative basis pursuant to the terms of a Municipal Cooperation Agreement dated as of April 29, 2016 (the "Agreement") among the Red Hook Central School District, as Lead Agent, and various other municipal corporations, under the trade name "New York Liquid Asset Fund" ("NYLAF");

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Kent, located in Putnam County, State of New York, hereby approves the terms, conditions and provisions of the Agreement attached hereto; and

BE IT FURTHER RESOLVED, that the Town Supervisor (the "Chief Fiscal Officer") of the Town is hereby authorized to execute and deliver the Agreement, and the Chief Fiscal Officer is hereby authorized to affix the seal of the Town thereto and attest such seal. The Chief Fiscal Officer is hereby authorized to from time to time to effect and consent to such changes to the Agreement in the form attached hereto as may be necessary or convenient in order to further carry out the purposes of the Agreement or to clarify or correct the terms thereof. The Chief Fiscal Officer is hereby authorized to delegate the foregoing duties to his or her designees as authorized by the Law (as that term is defined in the Agreement), which designee is an authorized employee officer of the Town. Upon the execution in full and delivery of the Agreement, the Town shall become a Town, as that term is defined in the Agreement; and

BE IT FURTHER RESOLVED, that notwithstanding any term or provision of the Agreement to the contrary, the Town may withdraw from the Agreement at any time upon thirty (30) days written notice to the Town Board of NYLAF by the Chief Fiscal Officer and thereafter the Town shall cease to have any rights or obligations under the Agreement; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Kent wishes to invest the sum of \$5,000,000. (FIVE MILLION DOLLARS) this resolution shall be effective immediately upon its due adoption by the Town Board.

Motion carried unanimously

Resolution #163 – Approve Budget Transfers Fiscal Year 2017

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On a motion by Councilwoman McGlasson
Seconded by Supervisor Fleming

WHEREAS, the Director of Finance has recommended certain budgetary amendments to the 2017 Budget in order to adjust appropriations in the General Fund, the Highway Department budget, the Lake Carmel Park District budget, the Lake Carmel Sanitation Department budget, the Water District 1 budget, and the Water District 2 budget, as set forth in the summary annexed hereto and incorporated herein by reference; and

WHEREAS, the Director of Finance advises that the proposed transfers will have the fiscal impacts as outlined on the annexed summary and the Town Board wishes to accept the recommendations of the Director of Finance;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the recommendations of the Director of Finance and authorizes the budget transfers as set forth on the annexed summary.

Roll Call

Councilman Denbaum – aye Councilwoman McGlasson – aye
Councilman Huestis – aye Councilwoman Woolley – abstained as she was not on the board.
Supervisor Fleming - aye
Motion carried

Resolution #164 - Authorize Purchase of 42Ton Construction Equipment Trailer

On a motion by Councilwoman McGlasson
Seconded by Councilwoman Woolley

WHEREAS, the Town Board of the Town of Kent has received a request from the Town Highway Superintendent to purchase a 42 Ton Construction Equipment Trailer (the "Equipment Trailer"); and

WHEREAS, consistent with the Town Procurement Policy the Highway Department has requested quotes for an Equipment Trailer and received four quotes, copies of which are annexed hereto; and

WHEREAS, the Town Board has been provided with a quote from Erichson's Auto Inc. of Highland, New York, for a Equipment Trailer for a cost of \$19,999; and

WHEREAS, in accordance with the Town's Procurement Policy, the Town Board wishes to authorize the Highway Department to purchase the Equipment Trailer from Erichson's Auto Inc. consistent with the above referenced proposal;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes and approves the purchase of a 42 Ton Construction Equipment Trailer from Erichson's Auto Inc. for a price not to exceed \$19,999; 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.
Motion carried unanimously

Resolution #165 – Award Expansion of Material Bins Bid

On a motion by Councilwoman McGlasson
Seconded by Councilwoman Woolley

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

WHEREAS, three bids were received in response to the advertisement and the bids were opened and publicly read at the Kent Town Center; and

WHEREAS, Daly Builders of Hopewell Junction, New York submitted the lowest bid in the amount of \$16,800 and was therefore the lowest bidder; and

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NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby accepts the bid of Daly Builders for the expansion of the existing poured concrete 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.

Motion carried unanimously

Resolution #166– Accept Resignation of Kent Conservation Advisory Committee Member

On a motion by Councilwoman McGlasson

Seconded by Councilwoman Woolley

WHEREAS, the Town of Kent wishes to accept the resignation of Marty Collins as a member of the Kent Conservation Advisory Committee;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts the resignation of Marty Collins as a member of the Kent Conservation Advisory Committee with regret; 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 #167- Authorize Clerk to Publish an Abstract on Unneeded Property

On a motion by Councilwoman Woolley

Seconded by Councilman Denbaum

WHEREAS, by resolution dated December 5, 2017, the Town Board found that a portion of Philipse Road, shown on a map annexed hereto, is unneeded by the Town and the Town Board authorized said portion to be offered for sale; and

WHEREAS, by email dated March 8, 2018, Peter Warren has offered to purchase said portion of Philipse Road for the sum \$2,500; and prior to such sale, the Town Board must publish a notice of such sale subject to permissive referendum,

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes its Town Clerk, Yolanda D. Cappelli to publish a notice of the sale of such property and should no petition for a permissive referendum be requested for the sale of such property, shall be consummated to Peter Warren for the sum of \$2,500; and

Motion carried unanimously

Resolution #168 – Accept Members to the Lake Carmel Fire Department

On a motion by Councilwoman Woolley

Seconded by Councilman Huestis

WHEREAS, the Lake Carmel Fire Department has recommended the acceptance of Mary T. Iannarelli 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 Mary T. Iannarelli 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 #169 – Authoring Town Clerk to Advertise for Bids for Water Testing at Landfill

On a motion by Councilwoman Woolley

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Seconded by Councilwoman McGlasson

WHEREAS, the Town of Kent wishes to advertise for bids for water testing at the Ressique Street Landfill 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 water testing at the Ressique Street Landfill 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 for water testing at the Ressique Street Landfill.

Motion carried unanimously

Resolution #170- Appoint Member to Zoning Board of Appeals

On a motion by Councilwoman Woolley

Seconded by Councilman Huestis

WHEREAS, the Town Board wishes to appoint Jennifer Alfano Martinez to the Zoning Board of Appeals to fill unexpired term ending December 31, 2021.

NOW, THEREFORE, BE IT RESOLVED, that Jennifer Alfano Martinez be appointed to the Zoning Board of Appeals, with a term to expire on December 31, 2021.

Motion carried unanimously

Resolution #171 – Approve Vouchers & Claims

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: All Vouchers #200145684 - # 200145903 and claims submitted by:

- | | | |
|---|-----------------------|--------------------------------|
| 1. Beyer Ford | \$4,550.89 | Police SUV |
| | \$40,615.89 | |
| 2. City Carting | \$5,573.01 | Lake Carmel Garbage |
| | \$4,352.15 | |
| | \$4,750.37 | |
| 3. Clark Equipment | \$9,225.49 | Truck Parts |
| 4. Faughnan Appraisal | \$2,500.00 | Newburgh Boxing Club Appraisal |
| 5. Hogan & Rossi | \$5,416.63 | April Legal Services |
| 6. Industrial & Utility Valuation Consult. | \$2,500.00 | Litigation Retainer |
| 7. Konica Minolta | \$2,190.16 | Copy Lease |
| 8. Lewis & Greer, P.C. | \$2,275.50 | Zoning Board Legal Services |
| 9. Morton Salt | \$15,242.34 | Salt |
| | \$58,314.26 | |
| 10. Riverview Industries | \$8,273.13 | Truck Parts |
| 11. State Comptroller | \$31,349.00 | Justice Court Fines & Fees |
| 12. Town of Kent Municipal Repairs | \$15,930.03 | Chargebacks: Highway |
| 13. TransAxle | \$2,699.95 | Truck Parts |

Except #6 in the amount of \$347,897.33 may be paid.

Motion carried unanimously

Public Comment

Councilman Huestis stated this is a scam alert. Residents are receiving calls from someone stating they are Apple Support. He urged those listening not to disclose any personal information.

Resolution #172 - Adjournment

On a motion by Councilman Huestis

Seconded by Councilwoman Woolley

Resolved: The Town Board meeting of April 10th, 2018 adjourned at 8:58 p.m.

Motion carried unanimously

Respectfully submitted,
Yolanda D. Cappelli
Town Clerk

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