

TOWN BOARD MEETING/WORKSHOP JULY 18, 2017

A regular meeting was held on Tuesday, July 18, 2017 at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York, 10512

Resolution #252 - Adjourn to Executive Session

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The Town Board opened the meeting and adjourned to Executive Session at 6:34 p.m. to discuss the matter of an employee and pending litigation.

Motion carried unanimously

Resolution#253 -Approve Officer A for 207C

On the motion by Councilman Denbaum

Seconded by Councilman Huestis

Resolved: Officer A be approved for 207C status.

Motion carried unanimously

Resolution#254 - Approve Officer B for 207C

On the motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: Officer B be approved for 207C status.

Motion carried unanimously

Resolution#255 - Adjournment

On the motion by Councilwoman McGlasson

Seconded by Councilman Chin

Resolved: Executive session adjourned at 7:04 p.m.

Motion carried unanimously

Supervisor Fleming explained the board had an executive session, votes were taken.

Pledge of Allegiance- At 7:15 pm. Supervisor Fleming called the Workshop Meeting to order with the Salute to the Flag.

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:

Supervisor Fleming: Present

Councilman Denbaum: Present

Councilwoman McGlasson: Present

Councilman Huestis: Present

Councilman Chin: Present

Also present: Deputy Town Clerk Lauren Louderback, Town Attorney Nancy Tagliafierro, Police Chief Alex DiVernieri, Highway Superintendent Rich Othmer

Resolution#256 - Authorizing No Parking Sign on Waccabuc Road

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On the motion by Councilman Denbaum
Seconded by Councilwoman McGlasson

WHEREAS, the Town Board of the Town of Kent has received a letter from Liz Stine of 21 Waccabuc Road requesting that the Town place a No Parking Sign on Waccabuc Road, a copy of which is annexed hereto and hereby made a part hereof, ; and

WHEREAS, Highway Superintendent Rich Othmer reviewed the request and has opined that Waccabuc Road is not sufficiently wide to enable emergency vehicles and delivery vehicles to pass parked vehicles;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Town of Kent Highway Superintendent to install a No Parking Sign on Waccabuc Road.

ROLL CALL:

Supervisor Fleming: aye Councilwoman McGlasson: aye
Councilman Chin: aye Councilman Huestis: aye
Councilman Denbaum: aye
Motion carried unanimously

Resolution#257 - Authorizing Release of Erosion Control Bond James Staley Company (Tax Map #12-1-69)

On the motion by Councilman Denbaum
Seconded by Supervisor Fleming

WHEREAS, James Staley Company (the "Owner") owns a parcel of land at 5 Bowen Court, Kent, New York, identified as Tax Map No. 12-1-69(the "Lot"); and

WHEREAS, the Owner posted two bonds for erosion control to the Town of Kent in the amounts of \$1,050 and \$1,400 and has submitted a request to the Planning Board that the erosion control bonds and any remaining review funds be released and returned to the Owner; and

WHEREAS, the Planning Board, at their meeting held on July 13, 2017, approved Resolution #15 of Year 2017 recommending the release of the erosion control bonds and the remaining review fund in the amount of \$1,063.10 and 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 release of the erosion control bonds in the amount of \$1,050 and \$1,400 and releases the remaining review fund in the amount of \$1,063.10.

Motion carried unanimously

Resolution#258 - Appointing Member to Lake Tibet Advisory Board

On the motion by Councilwoman McGlasson
Seconded by Supervisor Fleming

WHEREAS, the Lake Tibet Advisory Board currently has vacancies, and Lisa Tekula and Brian Lewis have each submitted an application seeking to fill said vacancies; and

WHEREAS, the Town Board of the of Kent wishes to appoint Lisa Tekula and Brian Lewis to fill the vacancies on the Lake Tibet Advisory Board;

NOW, THEREFORE, BE IT RESOLVED, that Lisa Tekula be appointed to fill the vacant term

BE IT FURTHER RESOLVED, that Brian Lewis be appointed to fill the vacant term

Motion carried unanimously

Resolution#259 - Authorizing Purchase of Miscellaneous Equipment for the Police Department

On the motion by Councilwoman McGlasson
Seconded by Councilman Chin

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WHEREAS, the Town Board of the Town of Kent is in receipt of a request dated July 14, 2017 from the Town Chief of Police, Alexander W. DiVernieri, Jr., to purchase a taser, a desktop computer, a rifle, a Toughbook and a radar unit (the "Equipment"), with grant money received by the Department from Senator Serino's office. A copy of the request with is annexed hereto and incorporated herein by reference; and

WHEREAS, the Town's Procurement Policy exempts from competitive bidding purchase contracts that are made under certain other contracts pursuant to the General Municipal Law, and subdivision 16 of section 103 of the General Municipal authorizes the Town to purchase equipment or apparatus through contracts let by any state, or any other political subdivision or district, and the Equipment is being purchased through contracts let by the State; and

WHEREAS, in accordance with the Town's Procurement Policy and the General Municipal Law, the Town Board wishes to authorize the purchase of the Equipment;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes and approves the purchase of the Equipment at the prices indicated on the attached request; 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#260 - Authorizing Additional Police Department Canine

On the Motion by Councilwoman McGlasson

Seconded by Councilman Chin

WHEREAS, the Town Board of the Town of Kent is in receipt of a request dated July 14, 2017 from the Town Chief of Police, Alexander W. DiVernieri, Jr., requesting that the Town Board authorize the addition of a second canine to the Police Department, a copy of which request is annexed hereto and incorporated herein by reference; and

WHEREAS, according to the request, the \$7,000 - \$9,000 cost of the canine will be paid by a Town resident; a fleet vehicle is already equipped for a canine; and a local business will be supplying food for the canine; and

WHEREAS, compensation for the additional canine handler is already included in the 2017 budget; and

WHEREAS, the Town Board wishes to authorize the additional canine;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes an additional canine for the Town of Kent Police Department, with its thanks to the generous Town resident who has offered to pay for the canine; 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#261 - Authorizing Lake Carmel Fire Department to Participate in the Putnam County Mutual Aid Plan

On the motion by Councilman Chin

Seconded by Councilwoman McGlasson

WHEREAS, the Town Board of the Town of Kent deems it to be in the best interest of the residents of the Town for the Lake Carmel Fire Department (the "Fire Department") to participate in The Putnam County Fire & EMS Mutual Aid Plan dated May 22, 2017, as the same may be amended from time-to-time (the "Plan").

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves participation by the Fire Department in the Plan, and certifies to Putnam County, through its

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Commissioner of Emergency Services, that the Fire Department shall comply with the provisions of the Plan, including recognizing calls for assistance from participating Agencies through the Putnam 911 Center; and

BE IT FURTHER RESOLVED, that no restrictions exist against outside service and training by the Fire Department; and

BE IT FURTHER RESOLVED, that there are no limitations, conditions or restrictions on the Fire Department from providing prompt assistance, and the Commissioner of Emergency Services shall be notified in writing if any such limitations are imposed subsequent to the adoption of this Resolution; and

BE IT FURTHER RESOLVED, that the Town acknowledges and accepts its financial responsibility pursuant to Section 209 of the General Municipal Law; and

BE IT FURTHER RESOLVED, that a copy of this resolution is to be filed with the County Commissioner of Emergency Services.

Motion carried unanimously

Resolution#262 - Approval of Vouchers and Claims

On the motion by Councilman Huestis

Seconded by Councilwoman McGlasson

Resolved: All Vouchers #200142644-200142841 and claims from:

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| | | |
|---------------------------|------------|---------------------------|
| 1. Terry Boalt | \$3,733.33 | Deposit for Police Stairs |
| 2. ESI Group | \$3,500.00 | EAP Services |
| 3. Fireworks Extravaganza | \$2,500.00 | Final Payment |
| 4. Hogan & Rossi | \$5,416.63 | Legal Services |
| 5. K&L Fabricating | \$9,540.00 | Loader Repair |
| 6. Royal Carting | \$4,281.32 | Recycling Garbage |
| 7. Stroker Trucking | \$4,200.00 | Sand for Lake Carmel |

In the amount of \$70,650.24 are approved.

Motion carried unanimously

Correspondence- List Attached

Public Comment- Kevin Curry, Kent resident asked the board if the Putnam Concrete yard received approval to operate a concrete yard. Counsel explained they applied to the Zoning Board of Appeals for an interpretation saying they had a use variance which is basically permission to operate the cement plant forever. The Zoning Board of Appeals agreed with them and found they have a use variance to operate a cement plant on the premises. Mr. Curry stated they have over fifty cement trucks and have been kicked out of their location on Fordham Road because concrete washout is going into the Hudson River. The man who owns the property is worried about losing his permits if you drive by Putnam Stone the wetlands keeps getting filled in more and more. The blocks are almost a football field long. They keep filling in the wetlands. The town board should drive to Fordham Road and look at the mess they have there. It's going to be a mess on Route 52 if the town board has any authority to stop this permit. When the fifty concrete trucks start up in 30 degree weather, do you know the smoke that's going to come out of there. If they didn't make concrete for 18 months it's black and white the permit is void. Counsel stated only if they were what is called a pre existing use meaning that they made concrete on the site before for the town code was changed and prohibited it. That's a preexisting non conforming use if you don't do that activity for a certain amount of time you lose the use, this is completely different. The Zoning Board of Appeals found was that they were given permission by the Zoning Board of Appeals in 1948 to make concrete with more than five employees on the site and that's called a use

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variance which means it stays with the land. Whoever owns it can make concrete there pretty much forever and there is nothing the Town Board can do. Mr. Curry asked if the town had the right to say let's bring it back to original size. Can they keep filling in the wetlands? Counsel stated she believes the DEC is looking into it. And they need to go before the planning board for site plan approval. Councilman Denbaum stated for the record the town office of the building inspector denied the permit. The town board authorized the attorney to advocate on behalf of the decision and support our building inspector and the Zoning Board of Appeals relied on a 1937 document that they found somewhere and twisted it. Mr. Curry asked if it could be challenged. Councilman Denbaum stated it could, anybody who is affected could file what is called an Article 78 petition but if you have a complaint as a result of the Zoning Board hearing then that is the Zoning Board who made that decision not the Town Board. Councilman Denbaum also stated that the statute of limitations is very short, four months. Counsel stated that it is actual one month on the Zoning Board interruptions. One month from the date the determination was entered into the Town Clerk's office which was today. Councilman Denbaum stated that the town board stood and supported the building inspector which agreed with Mr. Curry's position and we put papers in saying that the concrete company's position was wrong and the Zoning Board disagreed with us and under state law they have full authority to approve or disapprove of the permits. If you complains or concerns it's the Zoning Board you should bring them to and yes there is an ability to file some sort of action to overturn their decision. Mr. Curry thanked the board.

Resolution#263 -Adjourn Town Board Meeting

On the motion by Councilwoman McGlasson

Seconded by Councilman Chin

Resolved: Town Board meeting of July 18, 2017 adjourned at 8:55 p.m.

Motion carried unanimously

Respectfully submitted,

Lauren Louderback
Deputy Town Clerk