

TOWN BOARD MEETING NOVEMBER 14, 2017

Resolution #344- Adjourn to Executive Session

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The town board adjourned to executive session at 6:09 p.m. to discuss the medical, financial, credit or employment history of a particular person or corporation and current litigation.

Motion carried unanimously

Resolution #345 - Adjourn Executive Session

On a motion by Supervisor Fleming

Seconded by Councilman Chin

Resolved: The town board adjourned executive session at 7:00 p.m.

Motion carried unanimously

Resolution #346 - Re-Open the 2018 Preliminary Budget Hearing

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The Preliminary Budget hearing of 2018 was reopened.

Motion carried unanimously

The Director of Finance Yulia Kelly gave a recap of last week's presentation. She said there were no tax increases in the proposed budget. She mentioned for every dollar spent in property tax 20 cents goes to town tax, 8 cents to the county and 70 cents to school tax. She said there is no reliance on fund balance except for capital projects; insurance is expected to go up 10%. She said the budget was broken down by funds, general, police, highway and special districts. Supervisor Fleming asked for comments from the board and public. There were none.

Resolution #347 - Close the Public Hearing on the 2018 Preliminary Budget

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: The public hearing on the 2018 Preliminary Budget was closed.

Motion carried unanimously

Resolution #348 - Open Public Hearing – Amendment Town Code Chapter 77 “Zoning

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: The public hearing on an Amendment to Town Code Chapter 77 “Zoning” to restrict the production of concrete in all use districts except the IOC was opened.

Motion carried unanimously

Town Attorney Tagliaferro explained IOC means office, commercial district. She also conferred with our insurance counsel who recommends we make one change to the Local Law including a provision that would permit an applicant to request an extension of time for the amortization period. She plans on adding a provision with that criteria into the local law. Councilman Huestis was interested in hearing what the public has to say about the proposal, the pros and cons.

Tom O’Leary a resident stated a variance was given to that yard when it was cement block plant to have more than 5 employees but nothing of a concrete plant being on the premises. He does not believe there were any provisions or changes made. He said the new operation has 50 trucks do we want that going through a lake community, also cement tankers and the aggregates which include sand and gravel. He said there was a thick tree line in the rear of the property adjacent to the houses which has been diminished, there are also wetlands there. He received a summons for having chickens and yet they are getting away with everything. He said the best interest for the people in the town is not to have this concrete plant here, he said make it happen. He said this board was worried about cigarette butts at the park what about the children that live behind the plant with all the silica dust, and mulch dust. He is totally against it.

Charlotte Biblow a partner with Farrell Fritz whose firm represents the tenant Titan Concrete spoke. She said Charles Martabano represents the owner Kent Investors; he is ill today and unable to be here but wanted his protest petition and letters as part of this record. In addition they sent 2 letters, in October and yesterday (11/13/17) to be part of the record, see attached. She proceeded to address the board stating Titan operates the plant and opposes this unconstitutional law. The Concrete Plant has been operating at the site since 1949 pursuant to a use variance issued by the Zoning Board of Appeals in 1948 and in a decision dated July 17th, 2017 the Zoning Board confirmed that use variance and runs with the land. As such the Concrete Plant is a lawfully permitted use operating at the premises for 70

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years. It is not a non-conforming use and cited 2 cases mentioned in their papers, see attached. She stated that this Board's blatant attempt to legislate Titan's concrete plant out of existence by this proposal is actually futile. Titan Concrete Plant is not the subject to your local law which law can only eliminate non-conforming uses and cannot eliminate a conforming permitted use. To the extent that you contend that this Board can legislatively terminate a use variance by enacting a local law and stated the Board is wrong and will be guilty of unconstitutional taking of a vested property right. She said if the Town wished to challenge the ZBA's July 17th decision about the concrete plant's legal status it should have commenced an Article 78 proceeding. The Town has chosen not to do so. This attempt by the Town Board to do a run around the ZBA's decision is a continuing pattern of unlawful activities that violates Titan's constitutional rights and vested property rights to operate the concrete plant. These include and not limited to using bully pulpit tactics one resident described is inflammatory, there were 2 brand new trucks were fire bombed 3 days after those comments were made. You directed the Building Inspector to issue stop work orders. You colluded with the members of Local 456 against Titan which is a union shop; it's just not a Local 456 union shop. She said the board directed the Town Attorney to issue a letter to the ZBA and adopt a resolution that the ZBA re-hear the matter. The letter instructed the ZBA to ignore the advice of ZBA's counsel and established case law that prohibit rehearing the July 17th decision due to the filing of 2 Article 78 proceedings by 2 sets of residents. All 5 members of the ZBA resigned at the same time issuing letters about the Town Board's unlawful action, the Town Board is undeterred in its unlawful action now considering adopting a proposed local law to prohibit concrete production in the Town. There is no doubt this proposal law is targeted at Titan. Comments made on the record by the Town Board members on September 26, 2017 Town Board Meeting as well as comments made by the public makes this clear. The fact Supervisor Fleming recused herself from voting on the proposal because she resides in the Hill & Dale development and that property owners association is one of the petitioners and one of the 2 Article 78 proceedings challenging the ZBA's July 17th decision regarding the concrete plant. It is not lost on anyone that the September 26th Town Board Meeting occurred a few days before the firebombing of the concrete trucks. Even if proposed law apply to Titan and Kent Investors which it cannot due to their vested property rights and interests, the amortization period included in the proposed law is a farce. The proposed law fails to mention even a single case to support the claim that a 2 year amortization period is reasonable. Even if the Concrete Plant is non-conforming, which it is not, a well established case law wholly contrary to his contention. For example she said in the Village of Valtery vs. Smith, 83NY2nd 396 in 1994, the court of appeals noted a valid amortization period is used specific and the reasonableness of the amortization period must protect the owners financial interest. It is a grace period to allow a fair opportunity to recruit the party's investment; Asphalt Supply vs. Water Trustees in the Village of West Hampton Beach 59 Appellate Division Third 4292nd Dept. Case in 2009 saying the reasonableness of amortization period is determined by the facts including the length of the amortization period in relation to the nature of the business and investment. In light of the \$5m plus investment made by Titan and the investment made by Kent Investors in the concrete plant and other improvements and putting aside the fact this is a lawful conforming use pursuant to 1948 use variance rather than non-conforming use the inclusion of this very short 2 year amortization period is unreasonable and punitive. Even if the use is considered to be non-conforming which it is not, the short 2 year amortization period is unreasonable. Furthermore, the Town Board is in violation of its own code as well as in violation of State and Federal law to pass proposed local law to placate a few residents. The Town Board has not followed Section 77-62 of the Town Zoning Code which requires a referral of the proposed law to the Town Planning Board and a recommendation of whether or not to adopt and requires the Planning Board to issue such recommendation within 45 days. And, further requires a super majority vote of the full Board, meaning that 4 of you must vote yes in order for this law to be enacted. The Town Board is also not complying with SEQRA as required review has not been done. The Town Board has also not referred this proposed local law to the Putnam County Planning Dept. as required under General Municipal Law 239M. The action of the Town Board rise to the level of civil rights violations, this Town is in violation of 42UST 1983. Titan intends to pursue all of its legal remedies against the Town, the Town Board and its members and will seek compensatory and punitive damages. Titan has expended an excess of \$5m all of which will seek to recoup in an action challenging the proposed local law and the Town Board's actions.

Councilman Denbaum stated if this law passes the legal arguments will commence he was dismayed in the supplemental submission in the letter the Town Board has been colluding with members of Local 456, he said unequivocally he has never had so much as a conversation with anybody from that union and will not speak on behalf of the other Town Board members but he can probably assure that it is true as well and to put a fact that is completely untrue is reckless, inappropriate for the record and he has no record of anyone colluding with Titan, it is inflammatory rhetoric that has no basis as fact. He said the idea the Town Board holding a public hearing discussing land use in the Town is the equivalent of firebombing a truck is despicable, and the idea we cannot discuss our land use and responsible for someone setting fire to the trucks is patently ridiculous. He said they can argue about the law if this gets passed that is what attorneys are for but those accusations are ridiculous. With regard to the

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amortization, it might be a good point but will see if the law gets amended accordingly. He said in your submissions you state Titan has spent \$3m and today all of a sudden became \$5m. Perhaps \$2m has been spent between October 5th He asked for clarification. Charlotte Biblow clarified with respect to the \$3m it said an excess of \$3m that is what Titan expend. As far as his statement of colluding, they have evidence of Town Board members meeting with the Building Inspector and the president of local 456 rights before the stop work order was issued. She mentioned Local 456 represents the Town employees.

Supervisor Fleming responded she is highly offended by Ms. Biblow's statement that the Town having a meeting and listening to residents and a firebombing of trucks, she thinks that is ridiculous in that free speech should be precluded because you have a business that certain people in Town don't like and because something happened after a meeting to implicate the Board is responsible is absolutely reckless. She continued to say this local law was referred to the Putnam County Planning Dept. and Town of Kent Planning Board. She stated they are currently involved in SEQRA at this moment and the way Ms. Biblow ended her statement with threatening the Town with lawsuits if they proceed with this law. She stated the Town has been hit with so many lawsuits from Titan and Kent Investors at this point every week the Town is being served even though the Zoning Board of Appeals said the use was a use variance, the lawsuits leading to that should have been withdrawn because of the actions of the ZBA, now it's in the hands of the court regarding that variance. Titan and Kent Investors refused to withdraw those lawsuits which should be moot based on the Town going ahead with proposing a law they have not passed that has been put up for a public hearing. They are accusing the Town that there will be hell to pay and bending to the wishes and desires of the residents and yet threatens the Town with legal actions in an effort to not make the Board not continue in their duties as a Town Board are really offensive. Ms. Biblow asked what lawsuits Supervisor Fleming is talking about; she asked if it's the Notice of Claim, stating they have not sued the Town although they may very well. With respect to threats, Ms. Biblow stated that they have a lawful vested right pursuant to that use variance. Supervisor Fleming stated that remains to be seen since it is in courts right now. Ms. Biblow stated if the Town interferes with that lawful vested right they will take action as any other property owner/occupant would. They have a large investment in that property and they will not just let it go on the way side. Town Attorney Tagliaferro stated they did the appropriate referral to the Kent Planning Board. Councilman Huestis reiterated what Councilman Denbaum and Supervisor Fleming stated that there is no collusion and he is very disappointed.

Brian Hobbs a resident of Kent for 35 years also has a vested right in this Town; he has never disputed his tax rate, and pays his taxes on time. He is offended someone from outside this town can run over the process of the residents and the community. He said there are two companies running there, he believes the variance should cover one company, not multiple companies. Titan does not live in Kent and they don't belong here.

John Veteri the person who lives behind them has been here for 27 years. What this plant has become from what it was is night and day. He can't open his windows anymore, they start running trucks and they do whatever they want at all hours and now looks like Yankee Stadium it's all lit up, spot lights shining at his house and neighbors, trucks running all day long, before hours, after hours it has been witnessed by the Building Inspector and he finds what has been said about our town, and what is being insinuating to be disgusting. It is impossible for him to be there and is to the point when he drives down the street, the members of this company, have literally jumped over the fence of his property to have a confrontation and the owner figured out he's the owner and the owner is trying to pull them back and the police had to be called and if he's walking on his property there are guys making comments to him. He can't even walk on his own property because they're out there screaming, yelling and cursing. His house stinks of diesel fume it's unbelievable. Yet they keep doing whatever they want they laugh at the fines and nobody seems to do anything. It's a disgrace and something has to be done with that property it looks like garbage, there are mounds all over. They laugh at the fines, they commented why are you even trying to do anything I have the best money can buy, unlimited spending. They have been cutting down the trees, making it worse. He pays his taxes and he too has a vested right. If nothing is done, he might not be living in Kent much longer.

Chris Poulin a resident on Miniello Drive hears this all day and night. He read from the use variance criteria, items the ZBA is suppose to check into whether it'll be undesirable change in the character of the neighborhood or the nearby properties. He feels they have demonstrated that this is our own laws and it's indisputable that the quality of life for the people who lives around this plant is horrible and not just the noise and lights it's like day light, there is also the smell and he lives closer to Horsepound Road, he can smell the diesel fumes on his porch and in his house it's horrible. The other thing is whether or not it will have an adverse physical or environmental impact on the area; they all have seen them washing their trucks on the ground into their drinking water not to mention the affect on the wetlands.

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He wants to know what this law and amortization period is going to do for them. He's concern he probably will not be able to sell his house because of the plant. He also wanted to know about something that was previously mentioned concerning continual use, he stated they didn't always make concrete there then. Isn't there a criteria there for continuous operation in order for them to satisfy the use variance and have it upheld. Town Attorney Tagliafierro stated that applies to non-conforming use which is different from a use being performed as a result of the use variance. He asked even if they abandoned the use for a certain time, she said yes. He's looking for options.

Bob Addonizio stated every time he discusses this matter people say he bought a house next to a plant that's been there, he feels through the years you have had development, homes being built to the point that the plant should not be there and it's not the right place for it as the community has grown . People moved in the Town of Kent because of its beauty and landscape and that plant looks like a dump like a junk yard with piles of mulch and logs which keep growing, trucks going in and out, the noise and smell of fumes is a total disgrace. He wants the Town Board to put an end to it as quickly as possible. He heard the investment of \$5m; he doesn't care if they put in \$10m because he's looking at the safety, the well being the quality of life which is far more important to him than a \$5m bill. When he heard about the firebombing he became concern as it is 200' from the circle when their children play. It is a disgrace a danger and should not be there.

Mr. O'Leary stated for over 31 years he has been a construction worker and has worked for concrete plants from Westchester County and there is a lot of truth to what was previously mentioned about poisons on the ground. There are numerous types of chemicals and there is no adequate washout for their yards for concrete mixes, even if there is, it's still going to leak into the ground. He said there is a difference between municipal and well water as well as the impact to the environment. He also mentioned that he has co-workers that have died from breathing in the dusts. This plant should not be in this neighborhood.

Supervisor Fleming stated that the next Town Board meeting will be held on Tuesday, November 28th giving people additional time to appear and submit in writing comments.

Resolution #349 - Adjourn Public Hearing Amendment Town Code Chapter 77 "Zoning to November 28, 2017

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The Public Hearing on Amendment to Town Code Chapter 77 Zoning was adjourned to November 28, 2017.

Motion carried unanimously

Pledge of Allegiance – The Supervisor opened the workshop meeting at 7:50 p.m. with the Pledge of Allegiance.

The board proceeded to review and discuss the items on the agenda.

Public Comments

Bill Walters, Building Inspector and active member of the Lake Carmel Fire Department reminded all to post their house number on the front of their homes and both sides of their mailboxes. The first responders are having a problem finding the homes.

Mr. Veteri spoke about the electrical outages which he has encountered getting worse. He said almost every morning he has lost power. Councilman Huestis agreed he said he will try to take it to another level.

Roll Call

Supervisor Fleming – present

Councilman Denbaum – present

Councilwoman McGlasson – present

Councilman Huestis – present

Councilman Chin – present

Also Present: Town Clerk Cappelli, Town Counsel Tagliafierro, Highway Superintendent Othmer, Police Chief DiVernieri, Director of Finance Kelly, Building Inspector Walters and several members of the public.

Resolution #350 - Adoption of 2018 Budget

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming she asked it be amended to read that the town board held a public hearing on November 9th and adjourned it to November 14th

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WHEREAS, on November 9, 2017 the Town Board of the Town of Kent duly held a public hearing on the Preliminary Budget for the fiscal year 2018; and adjourned the public hearing to November 14, 2017

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 fiscal year beginning the 1st day of January, 2018 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 – voted against the budget, two things stand out, not the sole reason. 1. The raises for the town board members, he does not want to vote himself or his colleagues a raise, he views it more as a stipend for being here and not doing other professional pursuits. 2. Being the old town hall which we have said for many years that we are going to sell on Route 52. He proposes that we put a line in the budget for revenue, we have an appraisal and we get it sold and put that money back into the recreation department for capital improvements and programs. The recreation department is falling behind, other organizations doing similar things, he thinks it is something we put off every year and he thinks now is the time being the market is the way it is, and some turnover in the recreation department, the new playground coming in, this is an opportunity to get an asset off our books that we already pledged to do, get monies in and expend them in a way that improves the town and voted no

Councilwoman McGlasson – also voted no on the merit of the raises for the town board members.

Councilman Huestis – aye

Councilman Chin – aye

Supervisor Fleming – said the raises for the town board members was something that could have been ironed out at the budget meetings, taking straw votes rather than throwing away an entire budget based upon what amounts to \$1,000.00. That easily could have been removed, but late in the game to draft a new budget as the budget needs to be submitted by November 20th. In regards to the listing of revenue, if we do vote to sell the town hall, it will be revenue that we did not have to budget for. In this market with real estate being iffy to list it as revenue when we do not know the price we will get would inflate the budget. If we do decide to sell it, it will be a nice windfall to allocate but that being said she voted yes.

Motion carried

Resolution #351 - Support for Inlands Waterway Designation

On a motion by Councilman Denbaum

Seconded by Councilman Chin

Councilman Huestis asked the ten lakes be mentioned. Supervisor Fleming thought the resolution should be in support of Assembly Woman's Bill A8775.

On a motion by Councilman Denbaum with the amendment of the ten lakes added

Seconded by Councilwoman McGlasson

WHEREAS, the Town Board of the Town of Kent wishes to support the designation of Lake Carmel, Palmer Lake, Lake Tibet, South Lake, Kentwood Lake, Seven Hills Lake, Nimham Lake, Drew Lake, China Lake and Lake Sagamore as bodies of water within the Town of Kent as Inland Waterways pursuant to Executive Law Article 42, entitled "Waterfront Revitalization of Coastal Areas and Inland Waterways" (the "Law"); and

WHEREAS, the Law was enacted to ensure the appropriate use and protection of waterways and encourage municipalities to develop a Local Waterfront Revitalization Program (LWRP) in conjunction with the Department of State; and

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NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby authorizes the Supervisor to take any steps necessary to include its waterways Lake Carmel, Palmer Lake, Lake Tibet, South Lake, Kentwood Lake, Seven Hills Lake, Nimham Lake, Drew Lake, China Lake and Lake Sagamore as bodies of water as Inland Waterways in accordance with Executive Law Article 42 and authorizes and directs the Supervisor to execute any and all documents necessary to give effect to this resolution.
Motion carried unanimously

Resolution #352 - Approve Budget Transfers Fiscal Year 2017

On a motion by Councilman Denbaum
Seconded by Councilwoman McGlasson

WHEREAS, the Director of Finance has recommended certain budgetary amendments to the 2017 Budget in order to adjust appropriations in the General Fund, the Recycling Center budget, the Police Department budget, the Sewer 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 recommendation 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.
Motion carried unanimously

Resolution #353 - Accepting Quote for Energy Provider

On a motion by Councilman Denbaum
Seconded by Councilwoman McGlasson

WHEREAS, in accordance with the Town's Procurement Policy, the Town made requests for quotes from energy providers, and received written quotes in response to such request, a summary of which is annexed hereto and incorporated herein by reference; and

WHEREAS, American New Energy, has submitted the lowest quote at a cost of \$ 0.06299 per kilowatt hour for a term of 36 months; and

WHEREAS, the Town wishes to accept the quote of American New Energy at a cost of \$ 0.06299 per kilowatt hour for a term of 36 months;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the quote of American New Energy for the cost of \$0.06299 per kilowatt hour for a term of 36 months; 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 - Accepting Resignation of Director of Recreation & Parks

On a motion by Councilwoman McGlasson
Seconded by Councilman Chin

WHEREAS, the Town of Kent is in receipt of a letter of resignation from Louis Fernandez as Director of Recreation and Parks as of November 11, 2017;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts the resignation of Louis Fernandez as Director of Recreation and Parks with regret and thanks for his service; 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.

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Motion carried unanimously

Resolution #355 - Authorizing Town Clerk to Advertise for Recreation Assistant

On a motion by Councilwoman McGlasson

Seconded by Councilman Chin

WHEREAS, the Town of Kent is seeking to fill the position of Recreation Assistant in the Recreation and Parks Department; and

WHEREAS, the Town of Kent wishes to advertise for applications to fill said position;

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 Recreation Assistant position for the Town of Kent Recreation and Parks Department.

Motion carried unanimously

Resolution #356 - Authorizing Installation of Additional Parking at Town Hall

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

WHEREAS, there is a need for additional parking at the Town of Kent Town Hall; and

WHEREAS, the Town Board wishes to authorize the Town Highway Department to spend up to \$2,000 for materials to be used for installation of additional parking at Town Hall; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the expenditure of up to \$2,000 for materials to install additional parking at Town Hall.

Motion carried unanimously

Resolution #357 - Authorizing Tub Grinder Rental for Landfill

On a motion by Councilwoman McGlasson

Seconded by Councilman Chin

WHEREAS, there is a need for the rental of a Tub Grinder for the breaking down of large debris at the Town of Kent Landfill; and

WHEREAS, the Town wishes to authorize the Town of Kent Highway Department to rent the Tub Grinder and excavator with stump shear for up to five days at a cost not to exceed \$20,000;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Town Highway Department to rent the Tub Grinder and excavator with stump shear and approves the expenditure for a sum not to exceed \$20,000.

Motion carried unanimously

Resolution #358- Authorizing Correction of Violation & Acceptance of Proposal & Charge to Property Owner TM# 22.57-1-30

On a motion by Councilman Chin

Seconded by Councilwoman McGlasson

WHEREAS, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation dated October 26, 2017 (the "Order to Remedy") directing the owner to remove a dangerous tree from the exterior of the property identified as Schuyler Road, Kent, New York, Tax Map 22.57-1-30 (the "Property"); and

WHEREAS, the Order to Remedy requires the owner to correct the violations or respond to the Code Enforcement Office within ten days and, to date, the owner of the Property has not responded; and

WHEREAS, pursuant to Chapter 55A of the Town Code of the Town of Kent regarding "Property Maintenance", upon the failure of any owner to comply, the Building Inspector is authorized to correct a violation subject to the approval of the Town Board; and the Town Board wishes to authorize the Building Inspector to correct the violation; and

WHEREAS, consistent with the Town's Procurement Policy, the Town of Kent requested three written proposals from contractors to correct the violation on the Property and received three proposals in response, a copy of said proposals are annexed hereto and incorporated by reference; and

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WHEREAS, Bill Henry Tree Service Inc. has submitted the lowest bid proposal; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the proposal submitted by Bill Henry Tree Service Inc. in the amount of \$425;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the bid of Bill Henry Tree Service Inc. for the correction of the violation at a cost not to exceed \$425; and

FURTHER RESOLVED, that the actual cost of the correction of the violation, plus the accrued legal rate of interest from the date of completion of the work, shall be charged to the property owner by the Town in accordance with Chapter 55A-12(B).

Motion carried unanimously

Resolution #359 - Authorizing Acceptance of Canine Officer Compensation Agreement

On a motion by Councilman Chin

Seconded by Councilwoman McGlasson

WHEREAS, the Town of Kent Police Department Canine Officers are responsible for off duty boarding, caring, feeding, grooming, walking and general maintenance of their assigned canine; and

WHEREAS, the Town of Kent wishes to enter into an agreement for the compensation of the Canine Officers for the off duty time spent in the care and maintenance of the canines pursuant to the terms set forth in the annexed agreement;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes and approves the Canine Officer Compensation Agreement annexed hereto and authorizes the Town Supervisor to execute the Agreement.

Motion carried unanimously

Resolution #360 - Authorizing Additional Hours for Park Maintenance Worker

On a motion by Councilman Chin

Seconded by Supervisor Fleming

WHEREAS, Michael DeMarco was previously hired by the Town of Kent as a part time Park Maintenance Worker to work a maximum of 20 hours per week for no more than 32 weeks; and

WHEREAS, Jared Kuczenski, the Senior Recreation Leader has recommended that Mr. DeMarco be authorized to continue working a maximum of 20 hours per week for the period beginning November 18, 2017 and ending December 29, 2017; and

WHEREAS, the Town Board wishes to accept the recommendation of the Senior Recreation Leader and TO authorize Mr. DeMarco to continue in his position of Park Maintenance Worker for a maximum of 20 hours per week until December 29, 2017 at his current rate of \$15 per hour.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes Michael DeMarco to continue in his position of Park Maintenance Worker for a maximum of 20 hours per week until December 29, 2017 at his current rate of \$15 per hour.

Motion carried unanimously

Resolution #361 - Table Item 2B

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: Item 2b) SEQRA determination was tabled.

Motion carried unanimously

Resolution #362 - Add items to the agenda

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: Equipment purchases for the Kent Police Department and approving contracting with the consultant from Petinnelli Miracle Playgrounds were added to the agenda.

Motion carried unanimously

Resolution #363 - Approve Equipment Purchases for the Kent Police Department

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On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The purchase of a taser, two desk top computers a radar unit and a sonic weapon cleaner for a total of \$4,965.00 was approved. Money for the items was received from a grant from Sue Serino's office.

Motion carried unanimously

Resolution #364 - Approve Addendum B on the Contract for the Inclusive Playground

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum asked if this is outside of the grant monies. Supervisor replied no, it is covered under the \$10,000 gift from the monastery.

Seconded by Councilman Chin

Resolved: Addendum B on the Contract for the Inclusive Playground for \$3,000.00 for the professional supervision of the playground build by a factory certified personnel overseeing the managing of the crew of the installation of the all abilities playground were approved.

Motion carried unanimously

Resolution #365 - Add items to the agenda

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: A resolution supporting Sandy Galef's Bill was added to the agenda.

Motion carried unanimously

Resolution #366 - Support of Sandy Galef's Bill

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The Kent Town Board is in support of Assemblywoman's Galef's Bill A- 8775 to designate certain lakes in the waterways which would benefit the Town of Kent.

Motion carried unanimously

Resolution # 367 - Approve Vouchers & Claims

On a motion by Councilman Huestis

Seconded by Councilman Chin

Resolved: All vouchers #200143980 - #200144166 and claims submitted by:

- | | | |
|------------------------------------|--------------|---------------------------|
| 1. Beam Mack Sales & Service, Inc. | \$263,469.32 | Dump Truck |
| 2. City Carting | \$4,829.05 | Lake Carmel Garbage |
| 3. Danbury Auto Spring | \$2,611.31 | Replace Springs Hwy Truck |
| 4. Hogan & Rossi | \$5,416.63 | Legal Services |
| 5. Lumar Plumbing & Heating | \$3,350.00 | Pump House Control |
| 6. NYCOMCO | \$2,622.00 | 2 Way Radios: Police |
| 7. Peckham Materials | \$11,759.61 | Blacktop |
| | \$39,748.83 | |
| | \$12,756.21 | |
| 8. Purchase Power | \$2,000.00 | Postage |
| 9. State Comptroller | \$32,931.00 | Justice Court: September |
| | \$44,478.00 | Justice Court: August |
| 10. Tire Buys | \$5,091.28 | Tires |
| | \$2,971.00 | |
| 11. Town of Kent Municipal Repairs | \$10,476.45 | Chargebacks: Highway |
| 12. Windstream | \$4,085.54 | Telephone Service |

In the amount of \$505,140.33 may be paid.

Motion carried unanimously

Public Comment – There was none.

Resolution #368 - Adjournment

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: The town board meeting of November 14, 2017 adjourned at 8:55 p.m.

Motion carried unanimously

Respectfully submitted,

TOWN BOARD MEETING NOVEMBER 14, 2017

Yolanda D. Cappelli, Town Clerk