

TOWN BOARD MEETING OF JUNE 25, 2013

A regular meeting was held at 7:00 P.M. at the Kent Town Hall, 25 Sybil's Crossing, Kent Lakes, New York.

Presentation – George Fischer Middle School Go Green Club

Deputy Supervisor Lou Tartaro stated the he is speaking for the entire Town Board when he says he is very proud of the effort that went into the Fire Tower mural project. All too often, all we hear and read about is the troubles and mischief that young people get into. The concept for the mural project came about due to vandalism at the Tower caused primarily by teens making poor decisions. It is a real pleasure to recognize the positive efforts and enjoy the art work created by these George Fischer Middle School students. Before he acknowledge the artists whose work is on display, he recognized the 2 teachers who sponsored the Go Green Club that being Amanda O'Shaughnessy and Jayne Chiappone. Before he asked Ms. O'Shaughnessy to help distribute the actual certificates from the Town of Kent, he read a proclamation from the County Executive Mary Ellen O'Dell, "Congratulations to the members of George Fischer Middle School Go Green Club on their outstanding work in creating 4 colorful painted panels, each depicting a different season of the year along with depictions of the local wildlife and habitats that are found within Putnam County. Your project of cooperative venture to assist the Kent Conservation Advisory Committee in the restoration of the Mt. Nimhan Fire Tower in Kent is a testament to your wonderful artistic abilities and deep sense of the natural world that surrounds you here in Putnam. Congratulations also to the Go Green Club Co-Advisory, Amanda O'Shaughnessy and Jayne Chiappone for overseeing the 25 week project and to the Kent CAC Chairwoman, Beth Herr and members of the Kent CAC who acts as caretakers of the historic 85 foot tower." Ms. O'Shaughnessy assisted Deputy Supervisor Tartaro to distribute the Certificates. He also presented her with the Putnam County Proclamation from Mary Ellen O'Dell. He stated there were 13 participants, 5 are in attendance and presented Annalisa Fusco, Lany Durkee, Steven Mount, Shalla Mulous and Lidia Ruben. All applauded.

Public Hearing – Taxi & Livery

Town Clerk, Cappelli read the Public Notice, see attached. Town Counsel Curtiss stated this was discussed a while ago. The Town tweaked this statute that the Kent Police Department is going to enforce it and if there is any property left in the cab it would not go to the Sheriff's Department but back to the Kent Police Department to claim. The Town did two other tweaks the drivers have to keep trip sheets so we know what they are doing narrowing down hours of operations and no honking when they pick up a fare. Supervisor Doherty added they have to get a special permit from Bill Looney the Zoning Enforcement Officer who is in charge of enforcing it.

Supervisor Doherty asked for comments. Bill Nulk, President of the Chamber of Commerce agreed with the overall statute it is a proper improvement application and change. But to clarify the reporting aspects, if an incident happens outside the Town of Kent, they will report it to the jurisdiction it happens in, in speaking to Police Chief DiVernieri, he stated if they did report it to the Town of Kent, it would be sent to the proper jurisdiction. The other thing is the County Transportation Task Force recommendation No. 24 specifically says that an agency or sub department, board, etc. should be established to regulate the operations of taxi cab, limousines, shuttles and buses for the safety and protection of the citizens and for the better coordination of the services in our region. In that recommendation, it specifies the fact the Towns of Kent, Patterson and the Village of Brewster already have existing ordinances that have some of these specifications that would not necessarily be included in any kind of overall program. Supervisor Doherty stated the County would maybe licensed all the taxis and work with Westchester County because many taxi's were getting tickets. Mr. Nulk said reciprocity with Westchester County and other jurisdictions is very important for limousines especially for access to airports and other things. This is something they are concerned about and the County is

TOWN BOARD MEETING OF JUNE 25, 2013

going to be moving forward with that. Supervisor Doherty asked if there were any other comments or questions. There were none.

Resolution #233 -Close Public Hearing Amend Chapter 47 – Livery & Taxicab Services

On a motion by Supervisor Doherty

Seconded by Councilman Tartaro

Resolved: The public hearing on an Amendment to Chapter 47 for Livery & Taxicab Services was closed at 7:15 p.m.

Motion carried unanimously

Salute to the Flag - Supervisor Doherty call the town board meeting to order with the Salute to the Flag.

Roll Call

Supervisor Katherine Doherty – present

Councilwoman Penny Osborn – present

Councilman Lou Tartaro – present

Councilman Mike Tierney – present

Councilman John Greene – present

Also Present

Town Counsel Curtiss, Police Chief Alex DiVernieri, Highway Superintendent Tony Caravetta, Municipal Repairs Manager Nick Mancuso and Town Historian Milissa Kafes.

Resolution #234 - Approval of Vouchers and Claims

On a motion by Councilman Tartaro

Seconded by Supervisor Doherty

Resolved: All vouchers # 200124595 - #200124769 and claims submitted by

1. Auto Craft Body & Collision	\$3,102.20	Chevy Tahoe
2. Broadview Networks	\$3,791.28	Telephone Bill
3. Cornerstone Appraisal	\$4,125.00	Wetlands
4. Danbury Auto Spring	\$3,131.72	Truck #76
5. Global Montello Group	\$6,087.60	Diesel
6. Home Depot	\$2,455.20	Leaf Bags
7. Insite Engineering	\$2,137.80	Hillcrest
	\$28,927.45	Sewer District
8. Jim Williams Welding	\$3,565.00	Truck #27,88,76
9. NYCOMCO	\$2,562.00	2 Way Radio Police
10. NYS Dept of Civil Service	\$173,011.40	Health Insurance
11. Richard Harris	\$4,900.00	IT Service
12. Royal Carting	\$4,797.17	Recycling Garage
13. Spain Agency	\$76,033.65	Insurance
	\$3,232.10	
14. Sprague Operating Resources	\$6,074.20	Gasoline
	\$6,306.72	
15. State Comptroller	\$32,840.00	Fines & Fees
16. Timothy J. Curtiss	\$6,125.00	May 2013 Traffic
17. TOK Municipal Repairs	\$5,847.93	Sanitation
	\$5,276.79	Police
	\$17,656.99	Highway

In the amount of \$357,240.86 may be paid.

Upon Roll Call Vote

Councilman Greene – aye

Councilwoman Osborn – aye

Councilman Tartaro – aye

Councilman Tierney –aye

Supervisor Doherty – aye

Motion carried unanimously

Resolution #235 - Municipal Repairs – Scrap Vehicles

On a motion by Councilman Tierney

Seconded by Councilman Tartaro

Resolved: On the recommendation of Municipal Repairs Manager Nick Mancuso the following vehicles may be scraped: Highway #44 -1997 Chevy Pickup 1GCGK24ROVZ241251, Building Dept # 118 – 1999 Chevy Cavalier 1G1JC5242X7304546, Town Hall #7 – 1989 Ford Ranger 1FTCR10A9LUA81921, Highway #112 – 1986 Dodge Pickup 1B7FD14H5HS335016.

Motion carried unanimously

TOWN BOARD MEETING OF JUNE 25, 2013

Resolution #236 - Municipal Repairs – Donation of Vehicles to LCFD

On a motion by Councilman Tierney

Seconded by Councilman Greene

Resolved: Two vehicles declared scrap may be donated to the Lake Carmel Fire Department for training purposes the vehicles are 1999 Chevy Cavalier Vin#1G1JC5242X7304546, Town Hall #7 – 1989 Ford Ranger Vin# 1FTCR10A9LUA81921.

Motion carried unanimously

A discussion took place about donating the other two scrap vehicles to the Kent Fire Department. The board was in agreement if a letter from them was received by July 2, 2013 a donation would be made for training purposes.

Resolution #237 - Purchase One Ton 2013 Highway Truck

On a motion by Councilman Tierney

Seconded by Councilman Tartaro

Resolved: Municipal Repairs Manager Nick Mancuso, is authorized to piggy back on the Town of Thompson's bid purchase of a One Ton 2013 Chevrolet 3500 not to exceed \$56,019.92.

Motion carried unanimously

Resolution #238 - Bid for 2014 6 –Wheel Mack Truck

On a motion by Councilman Tierney

Seconded by Councilman Greene

Resolved: The Town Clerk is authorized advertise to receive bids for one 2014 6 – Wheel Mack Truck GU712 to be opened at noon on July 12, 2013.

Motion carried unanimously

Resolution #239 - Municipal Repairs Purchase One Tenco Dump Body/Spreader

On a motion by Councilman Tierney

Seconded by Councilman Greene

Resolved: Municipal Repairs Manager Nick Mancuso is authorized to piggy back on the bid of Oneida County Contract award #1606 to purchase One Tenco Dump Body/Spreader from Tenco Industries, Inc, not to exceed \$67,000.

Motion carried unanimously

Resolution #240 - Municipal Repairs - Purchase 3 Replacement Dump Bodies

On a motion by Councilman Tierney

Seconded by Councilman Greene

Resolved: Due to former truck standardization, Municipal Repairs Manager Nick Mancuso is authorized to purchase 3 Replacement Tenco Dump Bodies from Amthor's Welding not to exceed \$75,000.00. Jim William Welding is authorized to do the removal and replacement welding for the 3 replacement dump bodies not to exceed \$11, 400.00.

Motion carried unanimously

Resolution #241 - Municipal Repairs – Advertise Vacancy – Automotive Mechanic

On a motion by Supervisor Doherty

Seconded by Councilman Tartaro

Resolved: The Town Clerk is authorized to advertise for a Town Mechanic.

Motion carried unanimously

Resolution #242 - Highway – Release Driveway Bond, Baio TM#10.20-1-13

On a motion by Councilman Greene

Seconded by Councilwoman Osborn

Resolved: On the recommendation of Highway Superintendent Caravetta the driveway bond received in the amount of \$500.00 from John Baio, 27 Rambler Road, TM#10.20-1-13, may be released.

Motion carried unanimously

Resolution #243 - Highway – Release Driveway Bond, AdamsTM#11.12-1-17

On a motion by Councilman Greene

Seconded by Councilwoman Osborn

Resolved: : On the recommendation of Highway Superintendent Caravetta the driveway bond received in the amount of \$500.00 from Fred Adams, Daffodill Court, TM#11.12-1-17, may be released.

Motion carried unanimously

TOWN BOARD MEETING OF JUNE 25, 2013

Resolution #244 - Energy Provider – Viridian Energy

On a motion by Supervisor Doherty

Seconded by Councilman Tartaro

Resolved: After review of eight different energy providers, the Supervisor is authorized to sign the contract with Viridian Energy for a fixed rate. Twenty percent of the energy supplied will be from local renewable resources, being the most environmental friendly.

Motion carried unanimously

Resolution #245 - Recreation – Kent Community Day

On a motion by Councilwoman Osborn

Seconded by Councilman Tierney

Resolved: On the recommendation of Recreation Director Fernandez, the proposal for Inflatable Amusements submitted by Party Time Rentals, Inc. in the amount of \$5,852.50 was accepted.

Motion carried unanimously

Resolution #246 - Recreation – Additional Seasonal Employees

On a motion by Councilwoman Osborn

Seconded by Councilman Greene

Resolved: On the recommendation of Recreation Director Fernandez, the following were hired as seasonal park maintenance workers: Sean R. Daly, Joseph Michael Gasparrini and Edison Santiago Ramon at a pay rate of \$7.50 per hour.

Motion carried unanimously

Resolution #247 – Highway & Sanitation – Employee Sub List

On a motion by Supervisor Doherty

Seconded by Councilwoman Osborn

Resolved: James Servello and Alexander Grace are added to the Sub List for Highway and Lake Carmel Sanitation.

Motion carried unanimously

Resolution #248 - Lake Tibet Park District – RFP Weed Harvester

On a motion by Councilman Tartaro

Seconded by Councilwoman Osborn

Resolved: On the recommendation of the Lake Tibet Park District #2, Advisory Committee, Municipal Repairs Manager Mancuso is authorized to place their Weed Harvester on the website of Auctions International an online auctioneer of trucks and equipment.

Motion carried unanimously

Resolution # 249 - Local Law #2 /2013 – Livery & Taxicab Services

On a motion by Supervisor Doherty

Seconded by Councilwoman Osborn

WHEREAS, certain amendments to Sections 47-6 and 47-9 of Chapter 47 of the Kent Code entitled “Livery and Taxicab Services” have been introduced before the Town Board of the Town of Kent as Local Law No. 2 of 2013; and

WHEREAS, a public hearing was held on June 25, 2013 upon notice duly published and posted; and

WHEREAS, public discussion was heard at such hearing concerning the merits of said introductory local law; and

WHEREAS, the Town Board of the Town of Kent wishes to amend Sections 47-6 and 47-9 of Chapter 47 of the Kent Code entitled “Livery and Taxicab Services” in accordance with the attached; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Kent hereby adopts Local Law No. 2 of 2013 amending Sections 47-6 and 47-9 of Chapter 47 of the Kent Code entitled “Livery and Taxicab Services” in the form and manner as provided in the attached; and

BE IT FURTHER RESOLVED, that Local Law No. 2 of 2013 of the Town of Kent is hereby enacted by the Town Board of the Town of Kent as Local Law No. 2 of 2013 of the Town of Kent; and

BE IT FURTHER RESOLVED, that this local law shall take effect immediately upon filing with this State’s Secretary of State.

Upon Roll Call Vote

Councilman Greene – aye

Councilman Tartaro – aye

Supervisor Doherty – aye

Councilwoman Osborn – aye

Councilman Tierney –aye

TOWN BOARD MEETING OF JUNE 25, 2013

Motion carried unanimously

§ 47-6 Conditions to approval of permit

Sections 47-6(A), (B) and (C) shall remain in full force and effect.

D. Each lot for which a special use permit may be issued shall have thereon a single-family residence which shall be either owned by the owner/operator of the vehicle used in the livery service or taxi cab service or the owner/operator shall be the lawful tenant of the property.

Sections 47-6(E) and (F) shall remain in full force and effect.

G. Any application for a special use permit under this Chapter shall be accompanied by a fee of \$75.00.

§ 47-9 Operating Standards

The following operating standards shall be a condition of the special permit approved for the operation of a taxi cab service.

A. Each taxi cab driver shall, upon the request of the passenger making payment, and upon receipt of full payment for the authorized fare, give a receipt to the passenger making the payment.

B. Taxi cab drivers may not carry any additional riders other than the first fare employing the cab without the permission of the first fare employing the cab.

C. The use of the vehicle horn for the purpose of notifying a fare of the arrival of the taxi shall not be permitted between the hours of 11:00 p.m. and 7:00 a.m. The use of the vehicle horn during any other times shall be a violation of this chapter.

D. The operator of the taxi shall maintain complete vehicle trip sheets which shall include:

- (1) The name and driver's license number of each driver operating the vehicle;
- (2) The date, start time in hour and minutes, and place of origin of each trip for each passenger;
- (3) The time and location of the drop-off location;
- (4) The fare and trip charged for each passenger \and trip;
- (5) The date, time, location and description of any accident or breakdown;
- (6) Any citation or violation issued regarding the taxi cab or the conduct of driver.

E. Trip sheets must be provided to any police officer upon demand.

F. Trip sheets must be kept on file and made available for audit, examination or inspection for two years.

G. The owner/operator of the taxi cab shall not dismiss, discharge, or otherwise require any passenger to leave the taxi cab other than at the passenger's requested destination without cause. For this purpose, "cause" means the taxi cab has become disabled or the passenger has become disorderly or has refused to pay the authorized fare. A driver who requires a passenger to leave the taxi cab other than at the passenger's requested destination shall do so only at a well-lit public place or, if the taxicab has become disabled, to another taxi cab and shall immediately notify the Town of Kent Police Department of all the details of the incident.

H. Any property left by a passenger in the taxi cab shall be held by the driver for not less than 30 days and shall be returned to the passenger as soon as reasonably possible, but in any event, within 24 hours after its discovery, said property shall be surrendered to the Town of Kent Police Department.

I. No vehicle cleaning, maintenance or repairs shall be conducted on a residential lot for which a special use permit has been issued between the hours of 9:00 p.m. and 8:00 a.m.

J. No individual other than the property owner or his or her immediate family member shall loiter in, at or near the vehicle waiting for service calls.

TOWN BOARD MEETING OF JUNE 25, 2013

K. All special use permits shall be granted by the Zoning Code Enforcement Officer.

All remaining Sections of Chapter 47 shall remain in full force and effect.

Resolution #250 - Town Clerk – Uniform Notice of Claims Certificate

On a motion by Supervisor Doherty

Seconded by Councilman Tierney

WHEREAS General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-3(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Kent, County of Putnam, designates Yolanda D. Cappelli, Town Clerk, to receive notices of claims served upon the Secretary of State by mail at 25 Sybil's Crossing, Kent Lakes, New York, 10512 and email at lcappelli@townofkentny.gov.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

Motion carried unanimously

Resolution #251 - Kent Water District #1 – Accept Resignation

On a motion by Councilman Tierney

Seconded by Supervisor Doherty

Resolved: The resignation of Beth-Ann Cornell as Chairperson of the Kent Water District Advisory Board was accepted with regret.

Motion carried unanimously

Resolution # 252 - Kent Water District #1 – Advertise for Vacancy

On a motion by Councilman Tierney

Seconded by Councilman Greene

Resolved: The Town Clerk is authorized to advertise for a vacancy on Water District #1.

Motion carried unanimously

Resolution #253- Add Generator Bid to the Agenda

On a motion by Supervisor Doherty

Seconded by Councilman Tartaro

Resolved: Award Generator Bid was added to the agenda

Motion carried unanimously

Resolution # 254 – Award Generator Bid Kent Water District #1

On a motion by Councilman Tierney

Seconded by Councilman Tartaro

Resolved: The bid for backup Generators for Kent Water District #1, was awarded to D. Owens Electric, Inc. in the amount of \$129,500.00.

Upon Roll Call Vote

Councilman Greene – aye Councilwoman Osborn – aye

Councilman Tartaro – aye Councilman Tierney –aye

Supervisor Doherty – aye

Motion carried unanimously

Resolution #255 - Discard Obsolete Office Equipment

On a motion by Councilman Tierney

Seconded by Supervisor Doherty

Resolved: On the recommendation of IT Consultant Richard Harris the following equipment may be discarded from the closet record room:

1 Minolta EP1030 Cs Pro Copier SN: 31866337

Sharp AR168D MFP SN: 55115951

Princeton EO500 15: Monitor SN: KIAY 1705744

TOWN BOARD MEETING OF JUNE 25, 2013

HPC2164A Desktop Printer SN: SG55S1308Y
Keytronics Keyboard SN: H904111668
Dell 15" Monitor SN: CN-OTP2227373177T4HYC
Sharp AL1642CS MFP SN: 6504903Y
OKIDATA Micro Line 320 Printer SN: 105B2858628
OKIDATA Micro Line 320 Printer SN: 001B2598497
OKIDATA Micro Line 320 Printer SN: 807B2209611
Sceptre 15: monitor SN: 9094Y002J01037 No Name No Serial Number PC.
Computers Happen PC No Serial Number Appears to be Windows 95 eraPC
Gateway 20000 Tower PC SN: 402666B.
Motion carried unanimously

Correspondence- There were no questions or comments.

Resolution #256 - Adjourn to Executive Session

On a motion by Supervisor Doherty
Seconded by Councilman Tartaro
Resolved: The board adjourned to executive session to discuss discipline of a highway employee.
Motion carried unanimously

Resolution #257 – Adjourn Executive Session/Meeting

On a motion by Supervisor Doherty
Seconded by Councilman Tierney
Resolved: Executive session and the meeting of June 25, 2013 adjourned at 8:25p.m. no action was taken. Respectfully submitted,

Yolanda D. Cappelli
Town Clerk

Respectfully submitted