

Public Hearing – Sewer Use Ordinance

Town Clerk Cappelli read the Legal Notice as it appeared in the Official Newspaper. Jeff Contelmo of Insite Engineering provided a background indicating the Sewer Use Ordinance is the set of rules and regulations that will be incorporated into the Town Code relative to the operation of the new Sewer District completed in the spring. Much of which is in the Sewer Use law is prescribe by either Federal EPA requirements or NYS DEC requirements standard language. The part that's unique to this sewer district has been extracted from the Map Plan Report which established the basis for the sewer district that will affect approximately 62 properties. There are several important parts he pointed out to the Town Board in particular Article 13 which discusses how new connections will be made he pointed out all of the properties in the district that have existing structures on them will be required to connect to the sewer main one, when completed this coming Spring of 2014. There is no connection fee to the existing properties there will be a connection fee for future undeveloped land as it comes forward for development. The primary reason for that from the Map Plan Report, as the Board knows, this is a \$6 million fully funded capital works project where all the properties are getting benefits at no charge from a capital prospective. The other important area he pointed out is Article 14 where they established the mechanism which will be use to charge for sewer there will be no capital charge because it's being built for no cost to the users but there will be operations and maintenance which will be proportionally paid for by the property owners based on the amount of flow of sewer they generate and the Sewer Use law has projections for each of the properties and there is a formula established within Section 14. Much of what is in this law is prescribed by EPA and DEC and then the unique parts of it that apply to the District have been extrapolated from the Map Plan Report which was the original document that established the basis for the project. He noted that he is willing to answer questions, if any.

Councilman Greene stated that during the Workshop it was discussed that the portion that is going to be owned and maintained by Kent Manor, they are going to be offsetting the O&M for their portion of it initially he asked. Jeff stated that they are basically three (3) entities that have been separated out as part of the Agreement that will pay for the operations and maintenance of the sewer plan. One (1) entity is Kent Manor, they will be paying proportionally for their usage; the other is Frangel Realty which is the waste water plant that was eliminated that is being diverted into the system and then the third is the Kent Sewer District users, 62 properties. The idea is everyone is going to be paying their proportional fair share that is the way it has been established. Supervisor Doherty asked if there were any other questions, there were none.

Resolution #408 - Close Public Hearing

On a motion by Supervisor Doherty

Seconded by Councilman Tartaro

Resolved: The Public Hearing on the Sewer Use Law was closed at 7:10 p.m.

Roll Call:

Councilman Greene – aye Councilman Osborn – aye

Councilman Tartaro – aye Councilman Tierney – aye

Supervisor Doherty – aye

Motion carried unanimously

Salute to the Flag – Supervisor Doherty called the meeting to order at 7:10 p.m. 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 Tim Curtiss, Police Chief Alex DiVernieri, Town Accountant Michelle Summers, Town Historian Milissa Boyer Kafes and Engineer from Insite Jeff Contelmo.

Resolution # 409 - Approval of Vouchers & Claims

On a motion by Supervisor Doherty

Seconded by Councilman Tierney

Resolved: All Vouchers #200126924 - #200127036 and claims submitted by:

1. Cargill, Inc.	\$4,378.11	Salt
2. City Carting	\$5,026.44	Lake Carmel Garbage
	\$3,856.78	
3. Gabrielli Truck Sales	\$162,950	Mack Truck
4. Global Montello Group	\$5,661.33	Diesel
5. Insite Engineering	\$26,173.00	Rt. 52 Sewer
6. NYCOMCO	\$2,604.00	2 Way Radio: Police
7. NYS Dept of Civil Service	\$168,644.16	Health Insurance
8. Purchase Power	\$3,030.00	Postage
9. Royal Carting	\$5,453.75	Recycling Garbage
10. State Comptroller	\$23,020.40	Justice Court Fines & Fees
11. Town of Kent Municipal Repairs	\$3,015.03	Chargebacks: Police
12. Windstream	\$3,114.73	Telephone Service

In the amount of \$568,121.82 may be paid.

Roll Call:

Councilman Greene – aye Councilman Osborn – aye

Councilman Tartaro – aye Councilman Tierney – aye

Supervisor Doherty – aye

Motion carried unanimously

Resolution #410 - Sewer District Insite Engineering- Merritt Change Order

On a motion by Councilwoman Osborn

Seconded by Councilman Tierney

Resolved: Due to unexpected work undertaken by the contractor Merritt Construction for the Sewer District and upon the recommendation of the Engineer for the Project, Jeff Contelmo of Insite, the change order CO-02 for the repair and replacement of a catch basin uncovered on Nichol's Street in the amount of \$2,061.11 and the second CO-03 for contaminated soil and related work in the vicinity by Frangel in the amount of \$22,090.66, may be paid. The CO-03 is to be reimbursed by Exxon Mobile as well as the engineering fees in the approximate amount of \$33,000 per DEC.

Roll Call:

Councilman Greene – aye Councilman Osborn – aye

Councilman Tartaro – aye Councilman Tierney – aye

Supervisor Doherty – aye

Motion carried unanimously

Resolution #411 - Local Law #5 Sewer District Use Ordinance

On a motion by Councilwoman Osborn

Seconded by Councilman Tartaro

WHEREAS, certain local law entitled "Sewer Use Law" have hereby been introduced as Local Law No. 5 of 2013 before the Town Board of the Town of Kent in the County of Putnam and State of New York; and

WHEREAS, a public hearing was held on December 17, 2013 upon notice duly published and posted; and

WHEREAS, a 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 adopt Local Law No. 5 entitled "Sewer Use Law"; and

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby adopts introductory Local Law No. 5 as Local Law No. 5; and

BE IT FURTHER RESOLVED, that the Town Clerk be authorized to file the Local Law No. 5 with the Secretary of State; and

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

Roll Call:

Councilman Greene – aye Councilman Osborn – aye

Councilman Tartaro – aye Councilman Tierney – aye

Supervisor Doherty – abstained

Motion carried

Mr. Contelmo said it has been a pleasure to work with Supervisor Doherty, Councilman Tartaro and Greene and wished them luck in their future endeavors.

Resolution #412 - Finance – Actuarial Consulting Service

On a motion by Councilman Tartaro

Seconded by Councilman Greene

Resolved: Upon the recommendation of Director of Finance Summers and after the review of three quotes, the proposal received from Actuarial Consulting Services was accepted for Fiscal Years 2013 to 2015 for services related to GASB.

Motion carried unanimously

Finance Interest Rate Proposal – Tabled

Resolution #413 - Finance –Budget Transfers

Director of Finance Summers presented 4th quarter budget transfers and anticipates- additional transfers for 2013. She elaborated on the transfers presented.

On a motion by Councilman Tartaro

Seconded by Councilwoman Osborn

Resolved: The following budget transfers be adopted with no increase in the budget and shall be made pursuant to the attached schedule.

Motion carried unanimously

Resolution #414 - Police Benevolent Association (PBA) Memorandum of Agreement

On a motion by Councilman Tartaro

Seconded by Councilman Tierney

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WHEREAS, THE TOWN OF KENT POLICE BENEVOLENT ASSOCIATION, INC. is requesting a Memorandum of Agreement between The Town of Kent Police Benevolent Association, Inc. (which is attached hereto) with the Town of Kent with respect to the Collective Bargaining Agreement; and

WHEREAS, the parties have agreed to sign said Memorandum of Agreement; and

WHEREAS, the Town Board of the Town of Kent wishes to authorize its Supervisor, Katherine Doherty, to sign said Memorandum of Agreement on behalf of the Town of Kent.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes its Supervisor, Katherine Doherty, to sign the Memorandum of Agreement with the Town of Kent Police Benevolent Association, Inc. on behalf of the Town of Kent; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Supervisor to sign any additional paperwork to implement said contract.

Roll Call:

Councilman Greene – aye Councilman Osborn – aye

Councilman Tartaro – aye Councilman Tierney – aye

Supervisor Doherty – aye

Motion carried unanimously

Resolution #415 - Kent Materials Escrow Payments

On a motion by Councilman Tierney

Seconded by Councilwoman Osborn

Whereas, by Resolution dated April 19, 2012 the Town Board approved the establishment of an Erosion Control Permit performance security account in the amount of \$33,400.00 for a project known as Mountain View Realty on a site identified as tax parcel number 12.-1-4 located on NYS Route 52; and

Whereas, said performance security was required as part of the site plan, and steep slope and erosion control permit approved by the Town of Kent Planning Board for the Mountain View Realty project; and

Whereas, the Board has been advised that the site plan for the Mountain View project was subsequently amended and approved by the Planning Board for a project known as Kent Materials, LLC; and

Whereas, the Board has been advised that the ownership of the property was transferred to Kent Materials, LLC by deed document number 1500161 recorded in the Office of the Putnam County Clerk on January 23, 2013; and

Whereas, the Town Board has been advised that Phase I of the Mountain View project for which the Erosion Control Permit performance security was required has been completed; and

Whereas, the President of Kent Materials, Harold Magid, has submitted a written request to the Town Board seeking, among other things, a reduction in the amount of the cash performance security in order to pay the outstanding cost of consultants retained by the Planning Board to review the revised site plan for the Kent Materials project; and

Whereas, the outstanding cost of the consultants retained by the Planning Board to assist in completing said review is \$12,631.45; and

Whereas, Mr. Magid has also requested that a portion of the existing performance security be used to establish a new performance security and a new construction inspection account for the remaining phases of the site and construction work for Kent Materials; and

Whereas, the Town Board has been advised that the estimated cost of the site and construction work for Phase II of the Kent Materials project is \$17,885.00; and

Whereas, the Town Board has been advised that an Order to Remedy certain storm water and erosion control problems at the Kent Materials site has been issued, indicating that there are on-going issues with regard to maintenance of the site in accordance with the approved site plan for which the Town Building Inspector will require the assistance of the Planning Board's Professional Engineer; and

Whereas, after deductions for expenses and establishment of a new performance security as set forth above the Town Board has determined that the remaining balance of \$2,883.55 should be used to establish a new construction inspection review account for Phase II of the Kent Materials project;

Now Therefore Be It Resolved, the Town Board waives the two year security requirement of §66-24(A) of

the Town Code and authorizes the release and re-establishment of a new performance security account for Kent Materials, LLC under the following terms and conditions:

1. Kent Materials shall provide written proof that the ownership of the \$33,400.00 Erosion Control Permit cash performance security originally established for the Mountain View Realty project was transferred to Kent Materials, such written proof to be subject to the review and acceptance of the Town Attorney; and
2. Upon written confirmation by the Town Attorney that Kent Materials is the lawful owner of said performance security the Finance Department is authorized to transfer the amount of \$12,631.45 from the Mountain View Realty performance security account to pay the cost of outstanding consultant review fees related to the Kent Materials project; and
3. The Finance Department is authorized to transfer the amount of \$2,883.55 from the Mountain View Realty performance security account to a new construction inspection account to be established for Phase II of the Kent Materials project; and
4. The Finance Department is also authorized to transfer any remaining monies in the construction inspection account for Phase I into the new construction inspection account for Phase II; and
5. The Finance Department is authorized to transfer the amount of \$17,885.00 from the Mountain View Realty Erosion Control Permit cash performance security account to a new performance security account to be established for Phase II of the Kent Materials project; and
6. The Finance Department shall notify the Supervisor and the Planning Board when the transfer of monies and the creation of new accounts has been complete; and
7. Upon such notification the Planning Board shall authorize its consulting Professional Engineer to conduct periodic inspections of the Phase II work for the Kent Materials project to ensure continued compliance with the approved site plan, and the steep slope and erosion control permit.

Be It Further Resolved, that upon notification by the Planning Board that the site and construction work for Phase II have been successfully completed in accordance with the approved site plan the Town Board will entertain a request by the project owner to establish a new performance security and a new construction inspection account for Phase III of the project in an amount as may be recommended by the Planning Board.

Councilman Greene asked if the stormwater concerns were met. Town Counsel Curtiss understood from Mr. Wilson that they were addressed.

Roll Call:

Councilman Greene – aye Councilman Osborn – aye

Councilman Tartaro – aye Councilman Tierney – aye

Supervisor Doherty – aye

Motion carried unanimously

Resolution #416 - Planning Board Accept Resignation

On a motion by Supervisor Doherty

Seconded by Councilman Tartaro

Resolved: The resignation of Michael Rose as Planning Board member was accepted with regret.

Motion carried unanimously

Resolution #417 - Planning Board Appointments

On a motion by Supervisor Doherty

Seconded by Councilwoman Osborn

Resolved: On the recommendation of the Kent Planning Board, Dennis M. Lowes was appointed to fill the unexpired term of Michael Rose, term to expire December 31, 2017.

Motion carried unanimously

Resolution #418 - Recycling Commission Accept Resignation

On a motion by Supervisor Doherty

Seconded by Councilwoman Osborn

Resolved: The resignation of Carmela Lotrecchiano was accepted with regrets.

Motion carried unanimously

Resolution #419 - Recycling Commission Appointment

On a motion by Supervisor Doherty

Seconded by Councilman Tartaro

Resolved: On the recommendation of the Recycling Committee Ines Petterson was appointed to fill the remaining term being vacated by Carmela Lotrecchiano, her term is to expire December 31, 2015

Motion carried unanimously

Resolution #420 - Board of Assessment Review

On a motion by Supervisor Doherty

Seconded by Councilwoman Osborn

Resolved: Christopher Badolato was appointed to serve on the Board of Assessment Review term is from October 1, 2013 until September 30, 2018.

Roll Call:

Councilman Greene – aye Councilman Osborn – aye

Councilman Tartaro – aye Councilman Tierney – aye

Supervisor Doherty – aye

Motion carried unanimously

Resolution #421 - Appointment Lake Carmel Community Center

On a motion by Supervisor Doherty

Seconded by Councilwoman Osborn

Resolved: Fran DelPozzo was re-appointed to the Lake Carmel Community Center for a 5-year term to expire December 31, 2018.

Motion carried unanimously

Resolution #422 - Renew Agreement with Partners in Safety

On a motion by Councilman Tierney

Seconded by Supervisor Doherty

Resolved: Supervisor Doherty is authorized to sign the 2014 agreement with Partners in Safety to continue to provide drug and alcohol testing services to comply with DOT requirements.

Motion carried unanimously

Resolution #423 - Lake Carmel Fire Department – Accept New Members

On a motion by Councilman Greene

Seconded by Councilman Tierney

Resolved: Upon the recommendation of President, Ed Schaeffler Jr. of the Lake Carmel Fire Department the following new members were accepted: Mathew Rose, Victoria Cecere, Michael Bradshaw, Jessica Seymour, Lynne Gamache, and Elizabeth Ulrich.

Motion carried unanimously

Resolution #424 - Tax Certiorari – Authorizing Town Counsel to Execute Consent Judgment

On a motion by Councilman Greene

Seconded by Supervisor Doherty

WHEREAS, tax certiorari proceedings were brought on behalf of ISIDORE AND EDNA STADLER; PAULINE AND EDNA SCHWARTZ and/or LEWIS STADLER, for the tax years 2011, 2012 and 2013 affecting certain parcels of real property designated as 27 Chauncy Road, Town of Kent, and designated as 33.56-1-18 and 31 Chauncey Road, Town of Kent, and designated as 33.48-1-15, on the Official Assessment Map of the Town of Kent; and

WHEREAS, the parties have agreed to settle the tax certiorari proceedings in accordance with the attached Consent Judgment prepared by JOSEPH ALBERT, ESQ., attorneys for the Petitioner; and

WHEREAS, the Town Board of the Town of Kent wishes to authorize its town counsel, Timothy J. Curtiss, Esq., to sign said Consent Judgment on behalf of the Town of Kent; and

WHEREAS, the Town Board of the Town of Kent further wishes to authorize the Supervisor to seek financing, if necessary, to pay the judgment after entry and in accordance with said Order, at an interest rate not to exceed Three Percent (3%);

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes its counsel, Timothy J. Curtiss, Esq., to sign the Consent Judgment on behalf of the Town of Kent; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Supervisor to seek financing, if necessary, to pay the judgment obtained by Petitioner at an interest rate not to exceed Three Percent (3%).

Town Counsel Curtiss explained the refunds will not require financing.

Roll Call:

Councilman Greene – aye Councilman Osborn – aye

Councilman Tartaro – aye Councilman Tierney – aye

Supervisor Doherty – aye

Motion carried unanimously

Resolution #425 - Municipal Repairs – Repair Sanitation Truck #17

On a motion by Councilman Tierney

Seconded by Councilman Tartaro

Resolved: Municipal Repairs is authorized to proceed with the necessary repairs to rebuild the engine on Sanitation Truck #17 not to exceed \$19,570.93

Motion carried unanimously

Resolution#426 – NYC DEP – Parcel Boyd Corners South Unit

On a motion by Councilman Tartaro

Seconded by Councilwoman Osborn

Resolved: Supervisor Doherty is authorized to notify Paul Lenz of NYCDEP that the board is deferring holding a public hearing on NYC Parcel IT Pre-MOA, 81 & 3026 to hunting and hiking.

Motion carried unanimously

Resolution #427 - Agreement Terminating Covenants & Restrictions - Hartley Property

On a motion by Councilwoman Osborn

Seconded by Councilman Tartaro

Resolved: The Supervisor is authorized to sign the agreement terminating covenants and restrictions contained in a deed between the Town of Kent and Hartley dated March 9, 2011 in the exchange for the consideration of \$5,000.

Town Counsel explained there were restrictive covenants and conditions: No permanent structures or clear cutting, and they have erected a pavilion. It has been before Judge Collins and negotiated that the covenants would be released for \$5,000.00.

Roll Call:

Councilman Greene – nay, he feels we are setting a precedent and is concerned as many similar parcels were sold.

Councilman Osborn – abstained

Councilman Tartaro – nay

Councilman Tierney – nay

Supervisor Doherty – nay

Motion not carried

Resolution #428 - Release Erosion Control Bond & Escrow Kroell TM#9.-1-60

On a motion by Supervisor Doherty

Seconded by Councilman Tartaro

Resolved: On the recommendation of the Planning Board the amount of \$923.30 may be released for TM#9.-1-60 for Nancy and Gary Kroell until further clarification is obtained.

Motion carried unanimously

Resolution #429 - Building Clerk – Vacation Days

On a motion by Supervisor Doherty

Seconded by Councilwoman Osborn

Resolved: Amitoj Batra, Clerk to the Building Inspector, is authorized to carry over 5 recently earned vacation days over into 2014.

Motion carried unanimously

Agenda Items – Correspondence – There were no questions or comments.

Councilman Greene appreciated the honor and privilege to serve the residents in the Town of Kent. He met a lot of great people and enjoyed working with this Town Board although we did not always agree it was a great experience. He wished everyone a Merry Christmas and a Happy New Year.

Supervisor Doherty stated: As my term as Town Supervisor comes to an end, I just want to take this opportunity to reflect on what we have accomplished and thank those of you who have worked so hard in supporting my vision.

We have finished the renovation of the old firehouse and converted it into a performing arts center. Since its completion, the Arts on the Lake have implemented programs and services that have benefited not only Lake Carmel, but all the citizens of the Town of Kent.

We have completed the Town's Comprehensive Plan, Gateway Plan, Recreation Master Plan, and Wireless Infrastructure Plan. These plans serve as our pathway to responsible and sustainable development for the future of the Town.

We have started the Kent Sewer District Project and we're expecting to see its completion in 2014. This project will protect the watershed, promote water quality, and revitalize our economy at no cost to the taxpayers.

The construction of the Cell Towers is moving forward to provide our emergency workers and residents with reliable wireless service.

We started working with New York State and FEMA to obtain \$725,000 grant so that we can make the necessary

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repairs to the Lake Carmel dam. As of this date, the hazard mitigation grant program has put dam projects on hold, but we should continue to pursue this and other grants that may become available.

She could not have done all these without the support and partnership of dedicated individuals in the Town of Kent, and I would like to take this opportunity to thank them.

She would like to thank the Town Board – Deputy, Lou Tartaro, Mike Tierney, Penny Osborn, and John Greene – we may have disagreed and argued on some issues but you have always supported me in moving the Town of Kent forward.

She would like to thank the Department Heads and the employees for making my job so much easier. I am so fortunate to have been surrounded by a team of dedicated and hardworking individuals, and I cannot thank you enough for the support you have given me throughout my tenure.

She would like to thank the volunteers and the residents of the Town of Kent. I truly enjoyed working with you as stewards of our community. I cannot express how fortunate I have been to have worked closely with you these past 12 years – 6 years as Councilwoman and 6 years as your Town Supervisor. I have learned so many things from all of you. Thank you for making my experience in public service a rewarding one.

She thanked Tim Curtiss, who she worked with for over 15 years. She thanked Town Clerk Cappelli; she has known her for about 15 years when she first began as a volunteer. She thanked Chief DiVernieri she loved working with him. She wished everyone a Merry Christmas and a Happy New Year.

Resolution #430 - Adjournment

On a motion by Supervisor Doherty

Seconded by Councilman Greene

Resolved: The town board meeting of December 17, 2013 adjourned at 7:57 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli
Town Clerk