

SPECIAL TOWN BOARD MEETING OF MARCH 31, 2014

A special meeting of the Town Board was held on Monday, March 31, 2014, at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York.

Salute to the Flag- Supervisor Fleming opened the meeting at 7:05 p.m. with the Salute to the Flag.

Resolution #162 - Adjourn to Executive Session

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The board adjourned to executive session to discuss possible litigation.

Motion carried unanimously

Resolution #163 - Adjourn to Executive Session

On a motion by Councilman Huestis

Seconded by Councilwoman Osborn

Resolved: The executive session adjourned at 7:30 p.m. no action was taken.

Motion carried unanimously

Roll Call

Supervisor Maureen Fleming – present

Councilman Paul Denbaum – present

Councilwoman Penny Osborn – present

Councilman Bill Huestis – present

Councilman Mike Tierney – present

Also present: Highway Superintendent Rich Othmer, Town Counsel Tim Curtiss, County Legislature Lou Tartaro, Director of Finance Michelle Summers, and Recycling Chairperson Sue Kotzur.

Supervisor Fleming announced tonight's meeting is a special meeting addressing concerns of the Highway Superintendent.

Training

Highway Superintendent Rich Othmer thanked the board for having the meeting. He said the first week in office he received a visit from the NYS Department of Labor regarding violations based upon their inspection of our Highway Facilities in the fall of 2013. At the 311 garage there were 24 violations, at the 301 garage there were 7. A number of items needed to be addressed in order to comply. One of concern is the absence of certification of training in particular forklift training. He has instituted a training program for the use of the bucket truck, forklift, backhoe, chainsaw, and chipper safety training. Some training will be done through the Spain Agency other training will be combined with other municipalities. They will be documenting all certificates ongoing. Councilman Huestis suggested a plan, and coordinating with other municipalities including the Parks men in the training too. Councilman Tierney stated the inspection is dated July 25, 2013 he wants the record to reflect this is the first time the board is being made aware of this. Questions and conversation took place as to the cost of the training and if budgeted and why the board was not copied on the violations and why the Union did not address this.

New Chips Road Adoptions

Highway Superintendent Othmer explained CHIPS is money the Town receives from New York State for road improvements based upon the mileage of roads within the Town. He said we have some road inventory we take care of and do not receive funding for. He said he will be providing the board with a list of additional roads to adopt by resolution to add to the road inventory. Once they are added to the inventory we will receive additional CHIPS money to the Town. It was suggested that park entrance and town hall entrance be added to the inventory as well.

Resolution #164 - Move Item on the Agenda

On a motion by Councilman Tierney

Seconded by Councilman Huestis

Resolved: Fund Balance/New Equipment/Capital Plan was moved to this point on the agenda.

Motion carried unanimously

Fund Balance/New Equipment/Capital Plan

Highway Superintendent Othmer stated we do not have a Capital Plan yet but he is working with Michelle to achieve one.

Highway Superintendent Othmer has been attending monthly Superintendent's meetings with Westchester and Putnam he discovered we are the only town not subbing out major black top projects. This can be done for \$5.00 a ton less. They have the equipment to do it, they are competitive. We have a paving machine which is old, to be replaced would cost \$350,000, and we must also rent out a ten ton roller costing \$10,000 in addition to the wear and tear on our trucks. He said it will still need to go out to bid but he will be looking into this. We will then use our men for drainage, etc.

In regards to equipment he understands we have a Fund Balance from 2013 in the range of \$240,000-\$260,000. He has done an assessment of our equipment, what is needed and how to come under the 2% tax cap. He said if he can use that money that will be a boost to his department. He can then have a structured yearly plan. They have 10

major 6 wheeler dump trucks; three received new dump bodies, mostly 20 years old and in fair shape. This year due to the winter 4 differentials were replaced. He is looking at a mid size truck, called a Terastar, made by International, 4 wheel drive with a plow package, they work well on small streets and are half the price of the new Mack the town just purchased. It is made to plow, very contusive to the narrow roads. He said we can prolong the life of our big trucks by investing in the mid size trucks. He would also like to obtain a skid steerer, to be used for drainage as well as blowing snow at town hall. He finds most problems are due to poor drainage. Work on ditches are presently done with a back hoe, they could get more done with the skid steerer. He believes they are on state bid. Councilman Tierney expressed concerns about spending that fund balance because we do not know the end of year balance for your budget. You would be spending the cushion without knowing the outcome of the snow budget for 2014, costs for salt, fuel, overtime, electric, repair costs will all be up. Supervisor Fleming stated much of our equipment is very old; we pay a welder a lot to fix the equipment. If we have a plan, to systematically replace and make the investment, looking forward this is a more effective piece of equipment for more uses let's make the investment, and then we may not expend the funds to make the emergency repairs. By replacing the fleet you will be building up your fund balance. A discussion took place about the 1.8 million fund balance and excess on budget lines not having to do with bad winters. Michelle Summers explained the 2014 budget was cut by \$180,000 so there would not be as much surplus. She said the budget is not perfect some years you will be under others over. The 2013 highway surplus is an approximate \$250,000 not confirmed from the auditors. Councilman Denbaum although he doesn't like to spend money feels he has 66% of his annual operating budget in a surplus. Councilman Tierney explained the cost for a highway facility was five million dollars. Councilman Denbaum thought the Highway Superintendent needs to come up with a plan for a new facility fine if not we can look at the funds, he doesn't want tax payer money being collected. Highway Superintendent Othmer thinks its eight to ten years away for a new garage. He sincerely thinks he can make the present garage work for a fraction of the cost. He is working on a report and has had an assessment done of the steel from Butler Building. The flooring can be done with proper permeable pavers. Councilman Huestis asked for three priority pieces of equipment and their cost. Highway Superintendent Othmer replied a Skid Steer and trailer, Terrastar Dump Truck, 1.5 Ton Roller with trailer, and another trailer \$200,000. He wants the trailer to stop paying the fees to trailer equipment, we could do it ourselves. He said the pay loader is deemed unsafe, we are in need of equipment, we are ready for disaster. Councilman Tierney suggested bonding to stay within the cap. He said we have an unaudited highway surplus for 2013, we do not know what the numbers are for this year, and you are going to have a hole. He said from the vouchers he see's expenses have gone up; it has been a long winter. Councilman Huestis asked for a few weeks, we would have a better idea of the fund balances. Highway Superintendent Othmer said spring time is here, he asked for the Skid Steerer and roller. Michelle Summers stated in his current budget there is a \$100,000 equipment line that he can utilize. Highway Superintendent Othmer said the budget has been cut and he wants to keep it for reserve. Councilwoman Osborn knows what the equipment can do, and she wants him to have the skid steer and roller, the roads are a mess, she has been receiving complaints. The board all thought he should use the \$100,000 from his equipment line you can come back to the board for the building. Supervisor Fleming suggested this be placed on tomorrow's workshop, if it goes well it will be put on the meeting.

Salt Shed

Highway Superintendent Othmer explained as all are award the roof caved in on the salt shed. An insurance check in the amount of \$22,000 has been received with a reserve of \$5,000. When and if it is replaced for labor. He is not sure what direction we will be going, this same salt shed caved in three years ago. He is inquiring about sharing the salt shed with Putnam County if that happens it will open the yard up. He asked the accountant to place the money in the highway salt shed fund until a decision is made. Legislator Tartaro thought the County very receptive to the idea; if it is at all doable it will get done.

Cornell Summer Intern

Highway Superintendent Othmer explained Cornell University has a summer program for ten weeks to assess our roads. They will do a complete analysis of the condition of our roads and categorize them according to the different levels of distress they are in. He said the County and most towns in Westchester have cooperated. He said the money is in his budget. He added our road signs have not been reassessed for several years, this could be accomplished at the same time. Councilman Huestis had a problem in the past with utilizing a graduate student. He asked if this is a personal services contract and asked for any back up. Highway Superintendent Othmer replied they would be on our payroll. Councilman Denbaum suggested not spending this money on an undergraduate. Highway Superintendent Othmer stated the cost is \$6,500; he will not proceed with the program without the board's support. Councilman Huestis asked the details be submitted to the Clerk's office, he added they will need a car too. Highway Superintendent Othmer presently they fix the roads based upon complaints this program will give him an analytical approach to repairing the roads.

Open House May/June for Town Board & Residents

Highway Superintendent Othmer stated they will be having an open house in May or June, a chance for all to see the new improvements.

Radios

Highway Superintendent Othmer introduced Ken Phillips of Goosetown Communications. He explained their radio's are far superior to the company the town presently uses. Councilman Tierney explained that Parks, Sanitation and the Police presently use the radio's. The police are on their own contract. A discussion took place about the use amongst the departments, coverage and different uses. All in agreement the digital system is a far better system.

Resolution #165 - Budget Transfers – Snow Removal

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: Whereas, the Highway Department has requested a budgetary amendment to cover the overtime expense of snow removal and now therefore be it resolved that the following budgetary amendment be made:

Increase appropriation

DA.5142.140 Snow Removal Overtime \$50,000

Decrease Appropriation

DA.5142.100 Snow Removal Personal Services -\$50,000.

2014 Fiscal Impact \$0

Motion carried unanimously

Resolution #166- Budget Transfers – Disability Insurance

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

Resolved: Whereas, the Highway Department has requested a budgetary amendment to cover the Town's portion of disability insurance, and now therefore be it resolved that the following budgetary amendment be made:

Increase appropriation

DA.9055.805 Disability Insurance \$1,000

Decrease Appropriation

DA.9060.802 Hospital Medical Insurance -\$1,000

2014 Fiscal impact \$0

Motion carried unanimously

Repairs to 311 Garage

Highway Superintendent Othmer stated the building was constructed in 1969 and is in dire need of repair. The structural steel is in good shape; however the bottom needs to be replaced due to oxidation and rusting. Additionally the steel paneling and insulation needs to be replaced. The concrete floor is deteriorating and needs to be resurfaced. He has spoken with Civil Engineers about a permeable paver drainage system that could be constructed on the garage apron solving the issue. He has spoken and had a meeting with NY Senator Terry Gibson. He addressed his concerns and asked for \$350,000 he seemed receptive.

Resolution #167 - Adjournment

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The meeting of March 31, 2014 adjourned at 9:20 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli, Town Clerk