

## **TOWN BOARD MEETING OF APRIL 1, 2014**

A regular meeting was held on Tuesday, April 1, 2014 at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York.

### **Resolution #168 - Open the Meeting**

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: The Town Board meeting of April 1, 2014 opened at 6:30 p.m.

Motion carried unanimously

### **Resolution #169 - Adjourn to Executive Session**

On a motion by Supervisor Fleming

Seconded by Councilman Tierney

Resolved: The Town Board adjourned to executive session to discuss litigation.

Motion carried unanimously

### **Resolution #170 - Adjourn Executive Session**

On a motion by Supervisor Fleming

Seconded by Councilwoman Fleming

Resolved: Executive session adjourned at 7:15 p.m.

Motion carried unanimously

At 7:15 p.m. the Town Board proceeded with the items on the Workshop agenda.

### **Resolution #171 – Table Merritt Change Orders**

On a motion by Councilwoman Osborn

Seconded by Councilman Huestis

Resolved: Merritt Change Orders #4 and #5 were tabled until April 15, 2014.

Motion carried unanimously

**Public Comment** – There were none.

**Salute to the Flag** – At 7:45 p.m. Supervisor Fleming opened the meeting with the Salute to the Flag.

### **Roll Call**

Supervisor Maureen Fleming – present

Councilman Paul Denbaum – present

Councilwoman Penny Osborn- present

Councilman Bill Huestis – present

Councilman Mike Tierney – present

### **Resolution #172 - Operating Permit for Lakeview Church**

On a motion by Councilman Denbaum

Seconded by Councilwoman Osborn

Resolved: Lakeview Church is authorized to receive an operating permit to run a tag sale on April 12, 2014.

Motion carried unanimously

### **Resolution #173- Frangel Realty LLC – Connect Sewer District**

On a motion by Councilman Denbaum

Seconded by Councilman Huestis

WHEREAS, the Town of Kent Sewer Use Law currently requires each dwelling unit to have a separate connection to the Kent Sewer System; and

WHEREAS, Frangel Realty LLC has three buildings on the property and wishes to connect all three buildings on one sewer line to connect with the Kent Sewer District; and

WHEREAS, the engineers have recommended that one connection be made to the Kent Sewer Line from the three buildings; and

WHEREAS, the Planning Board has referred the decision to the Town Board for Town Board action; and

WHEREAS, the Town Board has reviewed the comments from the engineer, the recommendation of the Planning Board and agrees that the sewer connection from Frangel Realty LLC should be on one line to the Kent Sewer District.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes Frangel Realty LLC to connect to the Kent Sewer District with one lateral connecting all three buildings.

Motion carried unanimously

### **Resolution #174 - Hilltop Associates – Recreation Fees**

On a motion by Councilman Denbaum

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Seconded by Councilman Huestis

WHEREAS, Hilltop Associates has requested that the Town of Kent take land in lieu of recreation fees; and

WHEREAS, the Planning Board of the Town of Kent has forwarded that request on to the Town Board for the Town Board's determination; and

WHEREAS, the Town Board has reviewed the Subdivision Map and is familiar with the land sought to be dedicated; and

WHEREAS, the Town Board has specifically found that the land which is offered to be dedicated is unsuitable for recreation purposes.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Kent directs the Planning Board not to accept the donation of land in lieu of recreation fees and further directs that the Planning Board collect the appropriate per lot recreation fee pursuant to Section 36-3 of the Kent Town Code.

Motion carried unanimously

### **Resolution #175 - Advertise for RFP for Stormwater Consultant**

On a motion by Councilman Denbaum

Seconded by Councilwoman Osborn

WHEREAS, the Town Board of the Town of Kent wishes to advertise for Request for Proposals for a Stormwater Management Consultant; and

WHEREAS, the Office of the Supervisor has prepared a Request for Proposals with specifications for the Stormwater Management Consultant's position.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Town Clerk of the Town of Kent to advertise for Request for Proposals for Stormwater Management Consultant. Proposals are to be submitted by noon on May 9, 2014. Thereupon, they will be opened by the Town Clerk at noon on May 9, 2014 and awarded on May 20, 2014.

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute any and all documents necessary to implement this Resolution and the authorization to advertise the position by the Town Clerk.

Motion carried unanimously

### **Resolution #176 - Advertise for RFP for Wetlands Consultant**

On a motion by Councilwoman Osborn

Seconded by Supervisor Fleming

WHEREAS, the Town Board of the Town of Kent wishes to advertise for Request for Proposals for a Wetlands Consultant; and

WHEREAS, the Office of the Supervisor has prepared a Request for Proposals with specifications for Wetlands Consultant's position.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Town Clerk of the Town of Kent to advertise for Request for Proposals for Wetlands Consultant. Proposals are to be submitted by noon on May 9, 2014. Thereupon, they will be opened by the Town Clerk at noon on May 9, 2014 and awarded on May 20, 2014.

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute any and all documents necessary to implement this Resolution and the authorization to advertise the position by the Town Clerk.

Motion carried unanimously

### **Resolution #177 - Discard Office Shredder**

On a motion by Councilwoman Osborn

Seconded by Councilman Huestis

Resolved: The Fellowes Office Document Shredder, Model #SB99Ci, Serial #080229GA0026135 may be disposed of.

Motion carried unanimously

### **Resolution #178 - Lake Carmel Sanitation – Substitute Worker**

On a motion by Councilwoman Osborn

Seconded by Councilman Tierney

Resolved: On the recommendation of Eugene Livulpi, Peter Steven Zamlowski was added to the substitute worker list.

Roll Call

Councilman Denbaum –nay

Councilwoman Osborn – aye

Councilman Huestis – aye

Councilman Tierney – aye

Supervisor Fleming - aye

Motion carried

### **Resolution #179- Building Department – NYS Building Officials Conference**

On a motion by Councilwoman Osborn

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Seconded by Councilman Denbaum

Resolved: Building Inspector Walters may attend the 2014 NYS Building Officials Conference being held on April 23, 24, and 25, 2014.

Motion carried unanimously

### **Resolution #180-Highway – Cornell Summer Intern**

On a motion by Councilman Tierney

Seconded by Supervisor Fleming

Resolved: Highway Superintendent is authorized to hire a Cornell Summer Intern.

#### **Roll Call**

Councilman Denbaum – nay, his position is although this is only \$6,600.00. The Highway Superintendent was concerned about equipment being upgraded. He feels equipment is more important than an intern and he should prioritize spending. He expressed concern about workers compensation and the risk.

Councilwoman Osborn – nay, she feels the money could be spent somewhere else.

Councilman Huestis – nay

Councilman Tierney – aye

Supervisor Fleming - aye

**Motion not carried**

### **Resolution #181- Award Bid for Insurance for 2014-2015**

On a motion by Councilman Tierney

Seconded by Councilwoman Osborn

WHEREAS, the Town Board of the Town of Kent has advertised for sealed bids to solicit bidders to provide quotes for municipal insurance for the Town of Kent; and

WHEREAS, the bids were returned and opened by the Town Clerk on March 21, 2014; and

WHEREAS, the Town Board of the Town of Kent has reviewed all of the bids and the references attached; and

WHEREAS, the Town Board of the Town of Kent wishes to award Spain Agency representing NYMIR Insurance the bid to provide for municipal insurance for 2014.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby awards the bid to provide municipal insurance to Spain Agency representing NYMIR Insurance consistent with the terms and conditions of their bid;

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute any and all documents necessary to implement this Resolution and the bid submitted by Spain Agency.

#### **Roll Call**

Councilman Denbaum –aye -He expressed concern about the process not yielding other options. Whether we would of went with NYMIR given more options, it is a large amount in the budget, other brokers tried, but the losses are high, and complaints were received whether this fully protected. He does not have another quote to compare to. Based upon how the process unfolded and loss history we were given one bid because partially the time and process and the amount of losses and risk this town is involved in. He hopes next year we have a long process that we can receive more than one bid, it doesn't mean we have to change, or the product, he thinks it's a problem buying the same product year after year without another option.

Councilwoman Osborn – aye- She feels an extension was given. The date was established to open on that date at noon, we waited until 1:25 p.m. in the event someone wanted to submit a bid. We gave as much as we possibly could. Although it was one bid there was a considerable savings with NYMIR, the price came down quite a bid. She thinks going out for the RFP was a good idea, the town is in a good position with NYMIR.

Councilman Huestis –He said the process for next year has begun. There are a variety of other things to improve themselves, we will be working hard to get other options, he voted – aye.

They will improve things involving safety and others to improve the Town of Kent.

Councilman Tierney – He thanked his fellow board members, they campaigned on this issue and came through, credit is due to the new members of the board. He appreciates their efforts sincerely and voted aye.

Supervisor Fleming – She said the process was truncated , by the time we sought other proposals we were running against a deadline as the insurance term runs from April 8, to April 7. One of the brokers interested in bidding who did not actually submit a bid has been in touch with her and said even though their company is not insuring the town she would be happy to work with the Town to give answers to questions, to sit down with them and work towards improving our insurance in ways that might need improvement to which she is grateful. When you open the process and discussion up you do get the best results, but as we only have one bid, the process did work, the Town did save in the premium at least \$44,600 over last years premium, going with the same agency. If we bid this out next year we are going to start earlier to speak to as many people as possible and have a situation where people have a sufficient amount of time to come forward, with that being said she voted aye.

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Motion carried unanimously

### **Resolution #182 – Kent Materials Stormwater Management Facilities Inspection and Maintenance Agreement.**

On a motion by Councilman Huestis

Seconded by Councilman Denbaum

Whereas, the Town of Kent and Kent Materials, LLC have negotiated a Stormwater Management Facilities Inspection and Maintenance Agreement, attached hereto as Exhibit A, pursuant to the requirement of Chapter 66 of the Town Code in connection with land use approvals obtained by Kent materials, LLC from the Town of Kent Planning Board on February 28, 2014; and

WHEREAS, as a condition of the Planning Board approvals and in order to comply with Chapter 66 of the Town Code, Kent Materials, LLC has submitted three (3) performance bonds in amounts recommended by the Planning Board in reliance on its engineering consultant, as follows:

- a) Performance Bond for Stormwater Management Facilities in the initial amount of \$57,300.00, to be increased in the future to the total of \$82,290.00, attached hereto as Exhibit B;
- b) Performance Bond for Erosion and Sediment Control in the amount of \$17,885.00, attached hereto as Exhibit C; and
- c) Performance Bond for Site Stability Maintenance and Erosion Control Contingency Plan in the amount of \$50,000.00, attached hereto as Exhibit D.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) The Town Board approves, authorizes and ratifies (a) the Supervisor's execution of the proposed Stormwater Management Facilities Inspection and Maintenance Agreement or any other agreement having substantially the same or similar provisions, subject to actual signatures and delivery of the Agreement by Kent Materials, LLC and (b) payment of costs necessary for and incidental to the recording of the Agreement in the Putnam County Clerk's office.
- 2) The Town Board hereby approves and accepts the aforesaid three (3) performance Bonds.

Motion carried unanimously

### **Resolution #183 - Kent Recreation 2014 Seasonal Personnel**

On a motion by Councilman Huestis

Seconded by Councilman Denbaum

Resolved: On the recommendation of Recreation Fernandez the Kent 2014 Seasonal Park Maintenance Workers are hired as proposed , every returning individual will receive a fifty cent increase.

Motion carried unanimously

### **Resolution #184 – Kent Recreation 2014 Start Smart Baseball Personnel**

On a motion by Councilman Huestis

Seconded by Councilman Tierney

Resolved: On the recommendation of Recreation Fernandez the Kent 2014 Start Smart Baseball Personnel Workers are hired as proposed.

Motion carried unanimously

### **Resolution #185 – Approval of Vouchers & Claims**

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

All vouchers #200128154 - #200128289 and claims submitted by:

- |                                |             |                     |
|--------------------------------|-------------|---------------------|
| 1. Broadview Networks Service  | \$2,546.50  | Telephone           |
| 2. Cargill Inc.                | \$6,747.71  | Salt                |
| 3. City Carting Garbage        | \$4,570.81  | Lake Carmel         |
|                                | \$3,961.43  |                     |
| 4. Danbury Auto Spring         | \$3,312.54  | Truck #27           |
| 5. Global Montello Group Corp. | \$8,262.76  | Fuel                |
|                                | \$6,945.12  |                     |
|                                | \$5,482.65  |                     |
| 6. Insite Engineering          | \$15,162.72 | Sewer District      |
| 7. NYCOMCO                     | \$2,604.00  | 2 Way Radio: Police |
| 8. Richard Othmer, Jr.         | \$3,902.55  | 5 Desks             |
| 9. Robison Oil                 | \$4,430.01  | Heating Oil         |

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10. Trans Axle \$4,990.00 Truck #23  
In the amount of \$131,910.03 may be paid.  
Motion carried unanimously

**Public Comment** – There were none.

**Resolution #186 - Adjournment**

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The Town Board meeting of April 1, 2014 adjourned at 8:09 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli  
Town Clerk