

TOWN BOARD MEETING OF APRIL 15, 2014

A regular meeting was held at 7:00 p.m. at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, NY 10512.

The board reviewed and discussed all items on the workshop agenda.

Resolution #187 - Add to Workshop Agenda

On a motion by Councilman Tierney

Seconded by Councilman Huestis

Resolved: Municipal Repairs Software for Mack Truck and promote Lead Mechanic were added to the Workshop Agenda.

Motion carried unanimously

Salute to the Flag - At 8:35 p.m. Supervisor Fleming call the meeting to order 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

Also present: Town Counsel Tim Curtiss, Police Chief Alex DiVernieri, Dog Control Officer Jill Gianfransico and Recycling Chairperson Sue Kotzur.

Resolution #188 - Website Development & Maintenance Contract

On a motion by Councilwoman Osborn

Seconded by Supervisor Fleming

Resolved: The bid received from Virtual Towns for the development and maintenance of the Town Website was accepted.

Motion carried unanimously

Resolution #189 - Highway – Add Roads to Inventory

On a motion by Councilwoman Osborn

Seconded by Councilman Huestis, he said he did try to add the Park Roads but they were denied.

Resolved: The following roads were accepted to be added to the Town of Kent Highway Road Inventory:

Sunset Court – 21 feet wide, 591 feet in length

Townners Court – 22 feet wide, 365 feet in length

Doherty Drive – 26 feet wide, 244 feet in length

Schrade Ext. – 15 feet wide, 473 feet in length

Daffodil Court – 24 feet wide, 860 feet in length

Knapp Court – 20 feet wide, 640 feet in length

Motion carried unanimously

Resolution #190 - Kent Highway – Equipment Purchases

On a motion by Councilwoman Osborn

Seconded by Councilman Huestis

Resolved: On the recommendation of the Highway Superintendent the following equipment was authorized for purchase and repaired:

Dyna pac Roller/DPCC 900 G/2900 roller/Black top operation, NJPA contact price \$11,057.00

Felling Tilt Trailer/FEFT-6T-1 designed to haul Dyna Pac Roller, NJPA contract price \$3,100.00

Felling Wide Deck/Drop Deck trailer/FEFT-18-3/24 foot Heavy Duty Equip Trailer, NJPA contract price \$8,250.

Refurbish 1998 Cat Loader 938G to be refurbished by H.O. Penn Cat Machine \$53,744.00 for a total of \$76,151.00 funds are available in the Highway Equipment .2 line.

Motion carried unanimously

Resolution #191 - Kent Highway – Bob Cat Skid Steer

On a motion by Councilman Tierney

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Seconded by Councilwoman Osborn

Resolved: The Highway Superintendent may purchase a Bob Cat Skid Steer/T750 with attachments (snow blower, angle broom and planer) at a state contract price of \$90,105.67 funds are to be taken from the 2013 Highway Fund Balance.

Roll Call

Councilman Denbaum – nay, we should wait for the audit process before we expend money out of the 2103 excess.

Councilwoman Osborn – aye

Councilman Huestis – aye, from his presentation, this equipment is needed; more is needed, we asked him to prioritize.

Councilman Tierney – aye, this will make his drainage work more efficient, it is a sizable investment, in the long term we will get more bang for our buck.

Supervisor Fleming – nay, she would like to see this item tabled until we had a chance to look at the budget. She thinks it is a necessary piece of equipment, and would have voted yes had she seen all the figures.

Motion carried

Resolution #192 - Merritt Change Order 4

On a motion by Councilwoman Osborn

Seconded by Councilman Tierney

Resolved: The Change Order #4 received from Merritt Construction for the Kent Sewer District is authorized for payment.

Roll Call

Councilman Denbaum – abstained

Councilwoman Osborn – aye, in good faith she will be voting for one of the change orders.

Councilman Huestis – nay, he would like to wait two more weeks.

Councilman Tierney – aye

Supervisor Fleming – nay, she would like to wait until the end of the contract or at least the next meeting.

Motion not carried

Resolution #193 - Merritt Change Order 5

On a motion by Councilwoman Osborn

Seconded by Councilman Tierney

Resolved: The Change Order #5 received from Merritt Construction for the Kent Sewer District is authorized for payment.

Roll Call

Councilman Denbaum – abstained

Councilwoman Osborn – nay, she was willing to authorize one payment.

Councilman Huestis – nay, he would like to wait two more weeks.

Councilman Tierney – aye

Supervisor Fleming – nay, she would like to wait until the next meeting and vote on a package.

Motion not carried

Resolution #194 - Putnam County Real Property Tax Service Contract

On a motion by Councilman Denbaum

Seconded by Councilwoman Osborn

WHEREAS, Putnam County has offered to the Town a Shared Services Agreement in which the County would print, collate and mail all of the Town Tax Bills; and

WHEREAS, the Town Board of the Town of Kent wishes to enter into the Shared Services Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Town Supervisor to execute the Putnam County Real Property Tax Service Contract; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute any and all documents necessary to give effect to this Resolution.

Motion carried unanimously

Resolution #195 - Advertise for Garbage Removal Chauncey Road

On a motion by Councilman Denbaum

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Seconded by Supervisor Fleming
Resolved: The Town Clerk is authorized to advertise for request for proposals for garbage removal at 24 Chauncey Road known as TM#33. 56-1-20.
Motion carried unanimously

Resolution # 196 - Highway Department Summer Personnel

On a motion by Councilman Denbaum
Seconded by Councilman Tierney
Resolved: The hiring or summer personnel at the Highway Department were tabled.
Motion carried unanimously

Resolution #197 - Budget Transfer

On a motion by Councilman Denbaum
Seconded by Councilman Huestis
WHEREAS, the Town Comptroller has recommended a Budgetary Amendment to transfer funds from Planning Personnel Services, Parks, Hospital/Medical and Parks. Winter Payroll to Capital Projects; and
WHEREAS, the Town Board of the Town of Kent wishes to enact a Budgetary Amendment recommended by the Town Comptroller; and
WHEREAS, the Budgetary Amendment will have no physical impact on the 2014 Town Budget.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Comptroller to increase the appropriation A.9950.500 Transfers to Capital Projects \$31,690.00; and

BE IT FURTHER RESOLVED, that the Comptroller decrease the appropriation A.8020.100 Planning Personnel Services \$10,100.00, A.7110.802 Parks, Hospital/Medical \$14,750.00 and A.7110.140 Parks. Winter Payroll \$6,840.00.
Motion carried unanimously

Resolution #198 - Lake Carmel Park District Sand

On a motion by Councilman Tierney
Seconded by Supervisor Fleming
Resolved: The bid for Lake Carmel Park District Sand was awarded to Stroker for \$40.00 per yard.
Motion carried unanimously

Resolution #199 - East of Hudson 2014 Legal Fees

On a motion by Councilman Tierney
Seconded by Councilwoman Osborn
WHEREAS, the Town of Kent is a member of the East of Hudson Coalition (the "EOH Coalition"), an association of municipalities located in the New York City watershed east of the Hudson River; and
WHEREAS, the EOH Coalition municipalities are subject to heightened requirements because their surface waters feed the New York City drinking water system; and
WHEREAS, the EOH Coalition wishes to initiate discussions and negotiations with the New York City Department of Environmental Protection and the New York State Department of Environmental Conservation regarding future requirements for phosphorus reduction by EOH Coalition municipalities and relief to said municipalities from the financial burden of such requirements; and
WHEREAS, the EOH Coalition wishes to engaged the law firm of Rapport Meyers LLP to represent it and its municipal members with respect to the aforementioned discussions and negotiations; and
WHEREAS, the law firm of Rapport Meyers LLP has submitted a proposed 2014 Legal Budget for the EOH Coalition dated February 18, 2014, a copy of which is annexed hereto and hereby made a part hereof (the "Proposal"); and
WHEREAS, the Town Board of the Town of Kent wishes to approve the Proposal and engage the law firm of Rapport Meyers LLP to represent the EOH Coalition on the terms set forth in the Proposal; and
WHEREAS, the Proposal provides that each of the EOH Coalition municipalities will pay a portion of the legal fees incurred by the EOH Coalition based on the Allocation

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Schedule (the "Allocation Schedule"), a copy of which is annexed hereto and hereby made a part hereof; and

WHEREAS, based upon the estimated legal fees of \$33,000.00 set forth in the Proposal for calendar year 2014 and the Allocation Schedule setting the Town of Kent contribution percentage at 8.8827% the Town of Kent would incur legal fees relating to the EOH Coalition in the amount of \$2,912.91; and

WHEREAS, for fiscal purposes, one of the members of the EOH Coalition will serve as the "lead municipality" by paying the law firm's vouchers as they are approved by the EOH Coalition, and see reimbursement from members of the EOH Coalition according to the Allocation Schedule; and

WHEREAS, Putnam County has been designated to serve as the "lead municipality" for said purpose;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves the Proposal submitted the law firm of Rapport Meyers LLP for representation of the EOH Coalition in calendar year 2014 and the payment of legal fees incurred there under pursuant to the Allocation Schedule either by reimbursement to Putnam County as the "lead municipality" or directly to Rapport Meyers LLP; 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.

Roll Call

Councilman Denbaum – nay, out of principle, he thinks it's a terrible situation, a terrible system, the fact we are spending tax payer money to have one government body negotiate with another government body on how much money we will spending is ridiculous. To pay some well connected firm, seems like a government industrial complex situation, on the idea that this is not a good way to do the people's business, and not a good use of the people's money, he doubts whether this law firm or whatever law firm representing us we would be hit with the same regulations and the same cost.

Councilwoman Osborn – aye

Councilman Tierney – aye

Councilman Huestis – aye

Supervisor Fleming – aye, she thinks the unfunded mandates, that have been placed upon the Towns in the watershed are almost impossible to implement, and part of the reason for the EOH Corporation was to achieve bubble compliance which keeps the Town from being hit with these type of outrageous fines that the town could be responsible to pay. She agrees in some respects what Councilman Denbaum has to say she thinks it is in our best interest.

Motion carried

Resolution #200 - Introduce Local Law #1 /2014 Stormwater Ordinance

On a motion by Councilman Tierney

Seconded by Councilman Huestis

See attached.

Motion carried unanimously

Resolution #201 - Lake Carmel Park District Summer Personnel

On a motion by Councilman Tierney

Seconded by Councilman Huestis

Resolved: The Lake Carmel Park District is authorized to hire three summer seasonal workers, Tyler Serrano, Nick Turner and Steven Keck.

Motion carried unanimously

Resolution #202 - Add to the Agenda

On a motion by Supervisor Fleming

Seconded by Councilman Tierney

Resolved: Post the Lead Mechanic Position for Municipal Repair was added to the agenda.

Motion carried unanimously

Resolution #203 - Post Lead Mechanic Position

On a motion by Supervisor Fleming

Seconded by Councilman Tierney

Resolved: The Lead Mechanic Position may be posted in Municipal Repairs.

Motion carried unanimously

RESOLUTION

Councilman Tierney, introduced the following proposed local law, which was seconded by Councilman Huestis, to be known as Local Law No. 1 of 2014, entitled A LOCAL LAW OF THE TOWN OF KENT, PUTNAM COUNTY, NEW YORK AMENDING VARIOUS PROVISIONS OF CHAPTER 66 OF THE KENT TOWN CODE PERTAINING TO STORMWATER MANAGEMENT AND EROSION CONTROL.

BE IT ENACTED by the Town Board of the Town of Kent that the Town Code is amended as follows:

Section 1: The definition of LAND DEVELOPMENT ACTIVITY within Section 66-4, is amended as shown below (deleted material is stricken through and added material is underscored):

LAND DEVELOPMENT ACTIVITY - Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than 5,000 square feet, or activities disturbing less than 5,000 square feet of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

Section 2: The definition of SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES within Section 66-4, is amended as shown below (deleted material is stricken through and added material is underscored):

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of 5,000 square feet or more of land, or as such permit standards may be hereafter amended or revised.

Section 3: Subsection 66-5(A)(1) is amended as shown below (deleted material is stricken through and added material is underscored):

(1) Any disturbance involving 5,000 square feet or more of
land area;

Section 4: Subsections 66-11(C), (G), (H), (J), (K) are amended as shown below (deleted material is stricken through and added material is underscored):

a) C. Routine maintenance activities that disturb less than 5,000 square feet of land area, to be determined in consultation with the Stormwater Management Officer, and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.

b) G. The construction of cemetery graves that disturb less than 5,000 square feet of land area.

c) H. The installation of fence, sign, telephone, and electric poles and other kinds of posts or poles which disturbs less than 5,000 square feet of land area.

d) J. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants solely for use by

that person and his or her family, and which disturbs less than 5,000 square feet of land area.

e) K. Landscaping and horticultural activities in connection with an existing structure which disturb less than 5,000 square feet of land area.

Section 5: Subsection 66-14(A)(2) is amended as shown below (deleted material is stricken through and added material is underscored):

(2) Condition B: stormwater runoff from land development activity disturbing between one and five acres of land during the course of a project; or

Section 6: The following subsection 11 is added to Subsection 66-14(B):

(11) Land development activities as defined in §66-4 of this chapter that disturb one or more acres of land shall also include water quantity and water quality controls (post-construction stormwater runoff controls) designed in conformance with the enhanced phosphorus removal design standards in the most current version of the technical standards of the New York State Stormwater Management Design Manual.

Section 7: This local law shall be effective upon filing with the New York State Secretary of State.

RESOLVED, that a public hearing shall be held in relation to the proposed local law as set forth in the form of notice,

hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 25 Sybil's Crossing, Kent Lakes, New York 10512, on May 6th, 2014, at 7 o'clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Kent, by the Town Clerk, at least five (5) days before such hearing and that notice shall be in the following form:

Resolution #204 - Add to the Agenda

On a motion by Supervisor Fleming
Seconded by Councilwoman Osborn

Resolved: Authorize the purchase of Mack Hardware and Software was added to the agenda.

Motion carried unanimously

Resolution #205 - Municipal Repairs Purchase of Mack Hardware and Software

On a motion by Supervisor Fleming
Seconded by Councilman Huestis

Resolved: Municipal Repairs is authorized to purchase Mack Hardware and Software as requested by the service manager at a cost not to exceed \$4,000.00.

Councilman Denbaum – is inclined to vote no, his concern is when we purchased the Mack Trucks in the beginning we should think of the extras that we need, and do it as one package. Buying a Mack Truck and then buying one a year later, and then saying we have to approve this amount of money to repair them properly kind of puts the board in a catch 22 where we have to approve it but maybe did contemplate it initially not that it would of stopped us from purchasing it, he thinks the proper way to go is to present everything we need to purchase or allocate money for up front so we can make the best decision. He doesn't know why the equipment wasn't purchased with the Mack Truck, as opposed to purchasing a couple of Mack Trucks and we have to borrow one, so obviously we didn't have one from the beginning from the beginning of the Mack Truck purchase. Councilwoman Osborn – aye, in the long run it will save money, rather than bringing it to the dealer.

Councilman Huestis – aye, under the recommendation.

Councilman Tierney – if we tow to the dealer for service we are looking at \$1,000.00 and voted aye.

Supervisor Fleming – aye

Motion carried

Resolution #206 - Lake Carmel Fire Department Service Awards Program for 2013

On a motion by Councilman Huestis
Seconded by Councilman Tierney

Resolved: Upon the recommendation of the Lake Carmel Fire Department the 2013 list of members who have successfully qualified for the Service Awards Program was accepted.
Motion carried unanimously

Resolution #207 - Dog Control/ACO Conference

On a motion by Councilman Huestis
Seconded by Supervisor Fleming

Resolved: The Dog Control Officer may attend the DCO/ACO Conference from May 6, 2014 to May 7, 2014.

Motion carried unanimously

Resolution #208 - Kent Library Use of Town Hall

On a motion by Councilman Huestis
Seconded by Councilwoman Osborn

Resolved: The Kent Library may use Town Hall on June 7th for children's fun day in case of rain and on June 30th to begin the summer reading program.
Motion carried unanimously

Resolution #209 - Vouchers and Claims

On a motion by Councilman Huestis
Seconded by Councilwoman Fleming

Resolved: All voucher's and claims submitted by:

1. Auto Craft Body & Collision	\$6,303.41	Police Car #53
2. City Carting	\$6,763.65	Lake Carmel Garbage
	\$2,422.26	
3. Merritt Construction, Inc.	\$168,007.66	Route 52 Sewer
4. NYS Dept of Civil Service	\$163,264.64	Health Insurance

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| 5. Pitney Bowes | | | |
| 6. State Comptroller | | | |
| 7. Windstream | | | |
| | \$2,000.00 | Postage | |
| | \$30,969.00 | Justice Court Fines & Fees | |
| | \$3,612.64 | Telephone Service | |

may be paid.

Roll Call

Councilman Denbaum – abstained Councilwoman Osborn – aye

Councilman Huestis – aye Councilman Tierney - aye

Supervisor Fleming – aye

Motion carried

Correspondence – Public Comment

Mrs. Williams had a question about the software for the Mack Trucks. A letter was read and there was a difference in the cost. Supervisor Fleming clarified the purchase amount of software is \$3,200; the laptop is \$735.00 she rounded it to roughly \$3,900.

Resolution #210 - Adjournment

On a motion by Councilman Huestis

Seconded by Councilwoman Osborn

Resolved: The Town Board meeting of April 15, 2014 adjourned at 9:05 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli
Town Clerk