

**TOWN OF KENT  
Town Board Meeting  
May 21, 2013/7:00 PM**

**Meeting**

1. Salute to the Flag
2. Roll Call
3. Approval of Vouchers and Claims
4. Oath Taking of New Police Officer
5. MS4 Annual Report
6. Highway – Destandardize
7. Copiers – Award Bid to Minolta
8. Budget Transfers
9. Close Capital Projects
10. Police Department
  - a) Asset Forfeiture
  - b) K-9 Officer Compensation
11. Employee Handbook – Revise Smoking Policy pursuant to NYS Clean Indoor Air Act
12. Receiver of Taxes Software
13. Set Public Hearing - Taxi and Livery (Amend Code)
14. Junk Obsolete Dell Monitor SN#CN-0C5369-64180-49F33EH
15. Order to Remedy Violation – 34 Willow Trail
16. Recycling Grant
17. Accept New Member – Lake Carmel Fire Department
18. Correspondence

## TOWN BOARD MEETING OF MAY 21, 2013

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

**Salute to the Flag** Supervisor Doherty called 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, Lieutenant Oster, Sergeant Owens and other members of the Kent Police Department.

**Resolution # 204 - Approval of Vouchers and Claims**

On a motion by Supervisor Doherty

Seconded by Councilwoman Osborn

Resolved: All vouchers #200124230 - #200124408 and claims submitted by

1. Autopart International	\$2,297.74	Auto Parts
2. Chemung Supply Corp.	\$4,784.00	Guide Rail Installation
3. Cornerstone Appraisal Assoc.	\$2,437.50	Wetlands
4. D. Owens Electric, Inc.	\$2,532.50	Municipal Repairs: Lift
5. Home Depot	\$2,743.20	Leaf Bags
6. Insite Engineering	\$37,680.44	Sewer District
7. Jasper Engines	\$2,360.00	Diesel Core
8. Medicare Reimbursements	\$16,259.50	Reimbursements
9. NYCOMCO	\$2,562.00	2 Way Radio: Police
10. O'Connor Davies LLP	\$25,950.00	Auditors
11. State Comptroller	\$30,080.00	Justice Court: Fines & Fees
12. Timothy J. Curtiss, P.C.	\$7,525.00	April: Traffic/Violations
	\$8,312.50	April: General

In the amount of \$300,068.94 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

**MS4 Annual Report**

Bruce Barber the Town's Consultant for MS4's presented the required annual report. He said it's been 10 years since NYSDEC required a permit to discharge stormwater. The reason being stormwater runoff contains substantial pollutants. Kent is also required to comply with NYC heighten requirements. The report is submitted to assure we are complying with the stormwater permit in place. The first permit was from 2003-2008, the second 2008 -2010, the third from 2010- 2015. He acknowledged and applauded the following town offices for their good hard work, the Supervisor's Office, Town Clerk's, Finance Dept, Building Department, Planning Department & Board, Highway and Park's Department. The report being discussed and submitted is available for review on the Town's Website should the public or board have comments or questions. They must comply with six minimum measures. Minimum Measure 1 deals with Public Education and Outreach, getting the word out that there is stormwater permitting and requirements and information regarding the pollutant of phosphorus. He said 18 construction site operators were trained through the monthly permit group. Several displays and public events were held. Over 375 printed brochures were distributed.

MCM 2 Public Involvement/Participation; two cleanup events were held, a community meeting, and stakeholder attendance at a variety of stormwater discussions.

MCM 3 Illicit Discharge Detection and Elimination received a substantial effort this year. He said they were mandated to map the entire stormwater infrastructure consisting of a series of catch basins, curbs, drainage ditches, swales, wetlands, lakes, ponds, pipes, outfalls etc. by January 8<sup>th</sup> 2013. It will be used as a tool in the future by Planning, Highway and individuals in budgeting and maintenance

requirements. There are 550 outfalls which are pipes discharging to another receiving component which could be a drainage ditch or something like that. They are required yearly to inspect at least 20% of the outfalls during dry weather. They inspected 140 and found 1 illicit discharge a washing machine corrected by the property owner.

MCM4/5 Construction Site and Post-Construction Control. Kent screens all applications for building permits or land use permits. At certain thresholds applicants are required to develop stormwater pollution prevention plans whether they entail erosion sediment control plans or post construction management practices. They are reviewed by him or the planning board engineer. Fourteen were reviewed this past reporting period. Through the Stormwater Management Officer a notice of violation and three stop work orders were issued to get people to comply. He said MCM4 is a threshold of 1 acre of land disturbance that requires inspections and additional reviews, there was 1 project approved for more than 1 acre of disturbance. They inspected sites that have land disturbance greater than 5000 sq. ft more than once.

MCM5 Post-Construction Stormwater Management looks at the Highway work. Highway worked on 4 infiltration basins, open channels and 3 ponds. We were required to install retro-fit practices in high density areas that presently discharge. Kent along with 19 other towns formed a partnership the East of Hudson Corporation that is required to create a public compliance with retro-fit requirements which equates to a reduction of phosphorus for each 5 year reporting period. Practices were installed at Ryan Town Park with the help of Insite Engineering and done extremely well.

MCM6 Stormwater Management for Municipal Operations is all works performed by the Highway Department, street sweeping, and inspection of catch basins and cleaned when necessary. We do not use phosphorus fertilizer and a training seminar was given to staff in February. The remainder of the report has to do with heighten requirements from NYC. He thanked all for their time and asked for questions or comments.

#### **Resolution #205 - Highway – Destandardize Fleet**

On a motion by Supervisor Doherty

Seconded by Councilwoman Osborn

Whereas the Town Board of the Town of Kent previously passed resolutions at the recommendation of the Highway Superintendent to standardize small and large piles of sander bodies and truck fleet;

And whereas the Highway Superintendent has recommended that the Town no longer follow the standardization policy;

Now therefore the Town Board of the Town of Kent hereby rescind resolution #98 passed at the Town Board meeting of January 22, 1996, resolution #460 passed at the Town Board meeting on August 12, 1996 and resolution #713 passed at the Town Board Meeting of December 30, 1996.

Upon Roll Call Vote

Councilman Greene – aye

Councilwoman Osborn – aye

Councilman Tartaro – aye

Councilman Tierney –aye

Supervisor Doherty – aye

Motion carried unanimously

#### **Resolution #206 - Acceptance of Agreement with Konica Minolta**

On a motion by Councilwoman Osborn

Seconded by Supervisor Doherty

WHEREAS, the Town of Kent has received the attached Participating Addendum to the Master Price Agreement between Konica Minolta Business Solutions U.S.A. Incorporated, Nevada Contract Number 1715 (hereinafter "Contractor") and the Town of Kent for a 60-month Purchase Option Plan relating to the equipment covered under the Agreement; and

WHEREAS, the Town of Kent wishes to enter into the attached Participating Addendum to the Master Price Agreement between Konica Minolta Business Solutions U.S.A. Incorporated and the Town of Kent for the 60-month Purchase Option Plan;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves the attached Participating Addendum to the Master Price Agreement between Konica Minolta Business Solutions U.S.A. Incorporated and the Town of Kent for the 60-month Purchase Option Plan; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Supervisor to execute the attached Participating Addendum to the Master Price Agreement between Konica Minolta Business Solutions U.S.A. Incorporated and the Town of Kent for the 60-month Purchase Option Plan and any and all other documents necessary to give effect to this resolution.

Upon Roll Call Vote

## TOWN BOARD MEETING OF MAY 21, 2013

Councilman Greene – aye      Councilwoman Osborn – aye  
 Councilman Tartaro – aye      Councilman Tierney –aye  
 Supervisor Doherty – aye  
 Motion carried unanimously

**Resolution #207 - Transfer of Funds within Budget Lines to reflect Actual 2013 Town Budget to Date**

On a motion by Councilman Tartaro

Seconded by Councilman Tierney

WHEREAS, the Town of Kent enacted a proposed budget for the 2013 calendar year; and

WHEREAS, the Town of Kent has expended funds and received income during the 2013 calendar year to date; and

WHEREAS, the Town Accountant of the Town of Kent has prepared the actual 2013 budget reflecting the actual expenditures made and the income received during the 2013 calendar year to date; and

WHEREAS, the Town Board of the Town of Kent wishes to make certain transfers within the various budget lines in order to balance the actual expenditures and income with the proposed 2013 budget;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Town Accountant to make the budget transfers within the budget lines as set forth in the Exhibit A, which is attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, that the Supervisor and/or the Town Accountant are hereby authorized to take whatever steps necessary to effectuate the balancing of the actual 2013 budget with the proposed 2013 budget to date; and

Upon Roll Call Vote

Councilman Greene – aye      Councilwoman Osborn – aye  
 Councilman Tartaro – aye      Councilman Tierney –aye  
 Supervisor Doherty – aye  
 Motion carried unanimously

**Resolution #208 - Close of Capital Project Funds**

On a motion by Councilman Tartaro

Seconded by Councilwoman Osborn

WHEREAS, the Town of Kent has established certain capital projects and capital accounts to fund the various projects listed on the attached schedule; and

WHEREAS, said projects have been completed; and

WHEREAS, the Town Board of the Town of Kent wishes to close out or abolish the capital accounts as listed on the attached schedule;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the closing and abolishment of the capital accounts listed on the attached schedule; and

BE IT FURTHER RESOLVED, that the Supervisor and/or the Town Accountant are hereby authorized to take whatever steps necessary to close out or abolish the capital funds listed on the attached schedule.

Upon Roll Call Vote

Councilman Greene – aye      Councilwoman Osborn – aye  
 Councilman Tartaro – aye      Councilman Tierney –aye  
 Supervisor Doherty – aye  
 Motion carried unanimously

**Resolution #209 - Police Department Asset Forfeiture**

On a motion by Councilman Tierney

Seconded by Councilwoman Osborn

Whereas the Town Board has previously approved the reinstatement of the K-9 program and

Whereas the Police Department has incurred expenses of \$1,736.84 related to the program and

Whereas the Police Department wishes to pay for these expenses related to the program by utilizing funds from the asset forfeiture account,

Therefore Be It Resolved, the following budget transfers may be made regarding above:

A.3120.445 Canine Unit      \$1,736.84



1Q 2013 Budget at Transfers

ACCOUNT NO	ACCOUNT DESCRIPTION	ORIGINAL BUDGET	YTD ACT REVEXP	YTD BUDGET		YTD BUDGET ADJ		YTD ADJ BUDGET	
				BAL	BUDGET	BUDGET ADJ	BUDGET	BUDGET	BUDGET
A.1310.400	FINANCE.CONTRACTUAL	8,100	8,877	(777)		10,000		18,100	
A.1620.110	BUILDINGS - OPERATIONS&MAINTEN.PART TIME	50,000	4,148	45,852		(9,400)		40,600	
A.1620.802	BUILDINGS - OPERATIONS&MAINTEN.HOSPITAL/MEDICAL	-	2,458	(2,458)		7,400		7,400	
A.1620.140	BUILDINGS - OPERATIONS&MAINTEN.OVERTIME	-	1,863	(1,863)		2,000		2,000	
A.1620.404	BUILDINGS - OPERATIONS&MAINTEN.AUTO REPAIR	1,000	1,641	(641)		700		1,700	
A.8100.215	STORMWATER.STORMWATER MS4-RETROFIT-LEGAL W/PUTCO	10,000	-	10,000		(4,515)		5,485	
A.8100.400	STORMWATER.CONTRACTUAL	-	4,513	(4,513)		4,515		4,515	
A.8664.400	CODE ENFORCER.CONTRACTUAL	200	500	(300)		300		500	
A.1990.400	CONTINGENCIES.CONTRACTUAL	137,077	-	137,077		(11,000)		126,077	
		206,377	24,000	182,377		-		206,377	
DA.5130.403	MACHINERY.GAS	75,000	25,527	49,473		(20,000)		55,000	
DA.5142.403	SNOW REMOVAL.GAS	-	5,303	(5,303)		20,000		20,000	
DA.5142.803	SNOW REMOVAL.FICA	-	3,850	(3,850)		20,000		20,000	
DA.9030.803	FICA	46,282	14,206	32,076		(20,000)		26,282	
DA.9040.804	WORKERS COMPENSATION	186,480	191,206	(4,726)		4,730		191,210	
DA.9060.802	HOSPITAL MEDICAL INSURANCE	587,000	163,969	423,031		(4,730)		582,270	
		894,762	404,062	490,700		-		894,762	
SF1.3410.400	FIRE PROTECTION.CONTRACTUAL	853,127	863,792	(10,665)		10,665		863,792	
SF1.2771	APPROPRIATED FROM FUND BALANCE	-	-	-		10,665		10,665	
		853,127	863,792	(10,665)		21,330		874,457	
SP1.7110.400	PARKS.CONTRACTUAL	30,000	3,428	26,572		(250)		29,750	
SP1.7110.404	PARKS.AUTO REPAIR	-	212	(212)		250		250	
SP1.9040.804	WORKERS COMPENSATION	13,320	15,455	(2,135)		2,135		15,455	
SP1.9720.600	STATUTORY INSTALLMENT BONDS.PRINCIPAL	40,000	-	40,000		(2,135)		37,865	
		83,320	19,094	64,226		-		83,320	
SR.1930.428	JUDGEMENT & CLAIMS.TAX CERTORARI	-	922	(922)		928		928	
SR.8160.404	REFUSE & GARBAGE.AUTO REPAIR	-	6,555	(6,555)		10,000		10,000	
SR.9720.600	STATUTORY INSTALLMENT BONDS.INTEREST	61,113	-	61,113		(7,567)		53,546	
SR.9720.700	STATUTORY INSTALLMENT BONDS.INTEREST	3,361	-	3,361		(3,361)		-	
		64,474	7,477	56,997		-		64,474	

## Capital Projects

### Close Huestis Park

H.9901.900	Transfer to other Funds	\$7,463	
H.0630.000	Due to other Funds		\$7,463
A.5031.000	Interfund Transfer		\$7,463
A.0391.000	Due from other funds	\$7,463	

### Close Lake Carmel Gate Valves

SP1.9950.900	Transfer to Capital Projects	\$28,332	
SP1.0630.000	Due to other funds		\$28,332
H.5031.000	Interfund Transfers		\$28,332
H.0391.000	Due from other funds	\$28,332	

### Close Lake Carmel Cultural Center (Old Firehouse)

SP1.9950.900	Transfer to Capital Projects	\$14,413	
SP1.0630.000	Due to other funds		\$14,413
H.5031.000	Interfund Transfers		\$14,413
H.0391.000	Due from other funds	\$14,413	

### Close Town Center Generator

H.5031.000	Interfund Transfers		\$37,790
H.0391.000	Due from other Funds	\$37,790	
A.9950.900	Transfer to Capital Projects	\$37,790	
A.0630.000	Due to other funds		\$37,790

### North Cove Project

SP1.9950.900	Transfer to Capital Projects	\$33,586	
SP1.0630.000	Due to other funds		\$33,586
H.5031.000	Interfund Transfers		\$33,586
H.0391.000	Due from other funds	\$33,586	

We are applying for \$18,780 from the East of Hudson Funds to fund part of the over expenditure.

Close Lake Carmel Community Centers

H.9901.900	Transfer to other Funds	\$25,000	
H.0630.000	Due to other Funds		\$25,000
SP1.5031.000	Interfund Transfer		\$25,000
SP1.0391.000	Due from other funds	\$25,000	

Close Ludington Mill Stone

H.9901.900	Transfer to other Funds	\$5,000	
H.0630.000	Due to other Funds		\$5,000
A.5031.000	Interfund Transfer		\$5,000
A.0391.000	Due from other funds	\$5,000	

Close Sanitation Vehicle

H.9901.900	Transfer to other Funds	\$2	
H.0630.000	Due to other Funds		\$2
SR.5031.000	Interfund Transfer		\$2
SR.0391.000	Due from other funds	\$2	

Close Road Resurfacing

FY11

H.9901.900	Transfer to other Funds	\$13,046	
H.0630.000	Due to other Funds		\$13,046
DA.5031.000	Interfund Transfer		\$13,046
DA.0391.000	Due from other funds	\$13,046	

Close Sweeper

DA.9950.900	Transfer to Capital Projects	\$229,785	
DA.0630.000	Due to other funds		\$229,785
H.5031.000	Interfund Transfers		\$229,785
H.0391.000	Due from other funds	\$229,785	



## TOWN BOARD MEETING OF MAY 21, 2013

A.2715.000 Proceed from Seized &/or Unclaimed Property \$1,736.84

Upon Roll Call Vote

Councilman Greene – aye                      Councilwoman Osborn – aye

Councilman Tartaro – aye                      Councilman Tierney –aye

Supervisor Doherty – aye

Motion carried unanimously

**Resolution #210 - Police Department – Canine Officer Compensation Agreement**

On a motion by Supervisor Doherty & Councilman Tierney

Seconded by Councilman Greene

WHEREAS, the Town of Kent has received the attached Town of Kent Police Department Canine Officer Compensation Agreement between the Town of Kent and the Town of Kent Police Benevolent Association (PBA) and Canine Officer concerning the reasonable compensation for any and all off-duty work performed by the Canine Officer, including but not limited to, the boarding, caring, feeding, grooming, walking, and general maintenance of his assigned canine; and

WHEREAS, the Town of Kent wishes to enter into the attached Canine Officer Compensation Agreement with the Town of Kent Police Benevolent Association;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves the attached Canine Officer Compensation Agreement; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Supervisor to execute the attached Canine Officer Compensation Agreement and any and all other documents necessary to give effect to this resolution.

Upon Roll Call Vote

Councilman Greene – aye                      Councilwoman Osborn – aye

Councilman Tartaro – aye                      Councilman Tierney –aye

Supervisor Doherty – aye

Motion carried unanimously

**Resolution #211 - Employee Handbook – Revise Smoking Policy pursuant to NYS Clean Indoor Air Act**

On a motion by Supervisor Doherty

Seconded by Councilman Tierney

Resolved: In accordance with the Clean Indoor Air Act the Employee Handbook is revised to read:

**907 Smoking**

**Policy Statement** – In accordance with the Clear Indoor Air Act, the Town is committed to providing a healthy, comfortable, and productive work environment for all employees. Therefore, the smoking of tobacco products is prohibited in all Town buildings and Town vehicles. Town buildings include, but are not limited to, Town offices, Highway Garage, Sanitation Garage and maintenance facilities. In addition, smoking is prohibited within twenty feet of the entrance ways to the Town Hall.

**Smoking Locations** – Smoking is allowed in designated smoking areas located outside of the Town building during authorized meal and break periods.

**Maintenance of Smoking Locations** – Smokers have an obligation to keep smoking areas litter-free and to properly discard trash in appropriate receptacles. Cigarettes and matches should be completely extinguished after use.

**Disciplinary Action** – Violations of this policy may result in disciplinary action, up to and including termination of employment.

**Upon Roll Call Vote**

Councilman Greene –nay                      Councilwoman Osborn – nay

Councilman Tartaro – aye                      Councilman Tierney –aye

Supervisor Doherty – aye

Motion carried

**Resolution #212 - Receiver of Taxes – Software**

On a motion by Supervisor Doherty

Seconded by Councilman Greene

Resolved: The Receiver of Taxes may purchase an upgrade to the SCA Tax System for a one-time cost of \$4,500.00 plus an annual service fee of \$800.00

Motion carried unanimously

**Oath Taking of New Police Officer – Brian Forde**

Kent Police Officer Brian Forde along with his parents and family took his Oath of Office to support the Constitution of the United States and State of New York, the laws of Putnam County and the Town of Kent and duties of Kent Police Officer. Mrs. Forde was given the opportunity to pin her son with his first badge.

**Resolution # 213 - Introduce Local Law # /3012 Taxi and Livery (Amend Code)**

On a motion by Supervisor Doherty

Seconded by Councilman Tartaro

BE IT RESOLVED that certain amendments to Sections 47-6 and 47-9 of Chapter 47 of the Kent Code entitled "Livery and Taxicab Services" are hereby introduced as Local Law No. \_\_\_ of the year 2013 before the Town Board of the Town of Kent in the County of Putnam and State of New York; and

BE IT FURTHER RESOLVED, that a copy of the aforesaid proposed amendment, which is attached hereto, be laid upon the desk of each member of the Board; and

BE IT FURTHER RESOLVED, that the Town Board will hold a public hearing on said proposed amendment at the Town Hall in the Town of Kent, New York at 7:00 p.m. on June 25, 2013; and

BE IT FURTHER RESOLVED, that the Clerk publish or cause to be published a public notice in the official newspaper of the Town of Kent of said public hearing at least five (5) days prior thereto.

Upon Roll Call Vote

Councilman Greene – aye                      Councilwoman Osborn – aye

Councilman Tartaro – aye                      Councilman Tierney –aye

Supervisor Doherty – aye

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 dropoff location;

# **TOWN OF KENT POLICE DEPARTMENT**

## **CANINE OFFICER COMPENSATION AGREEMENT**

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Agreement made on \_\_\_\_\_, by and among the Town of Kent (the "Town"), the Town of Kent Police Benevolent Association (PBA) and Canine Officer, concerning the reasonable compensation for any and all off-duty work, including but not limited to, the boarding, caring, feeding, grooming, walking, and general maintenance of his assigned canine.

**Whereas**, the purpose of this Agreement is to state the legal duties and obligations of all parties and to reasonably compensate the Canine Officer for the off-duty boarding, caring, feeding, grooming, walking and general maintenance of his assigned canine, in full accordance with the Fair Labor Standards Act of 1938 ("FLSA") and;

**Whereas**, the Town of Kent and the Town of Kent PBA seek to resolve and avoid any potential FLSA litigation claim against the Town and/or PBA, and:

**Whereas**, this agreement was reached after extensive, good faith negotiations between all parties, including the canine officer, it was not unilaterally imposed by any party to this agreement and looked into consideration all of the pertinent facts, including, but not limited to, the number of hours spent caring and maintaining the canine while off duty and attributable to the canine officer's "police duties".

**Now, Therefore**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The Canine Officer's activities shall be governed by Town of Kent Police Department General Order #9.06 titled "Canine Unit" (copy attached).
2. The Canine Officer will be compensated \$5,000.00 annually in addition to the officer's regular compensation as established by the collective bargaining agreement between the Town and the PBA . The compensation includes one (1) hour per day, which equals to seven (7) hours for every week, at the overtime rate of one-half (1 ½) x \$9.132 per hour which meets FLSA requirements. One (1) hour per day and seven (7) days per week is a reasonable number of hours attributed to the off-duty training, boarding, caring, feeding, walking, grooming, and general maintenance of canines and the hourly rate is reasonable and legal. Payments shall be made bi-weekly during the normal pay periods.
3. The Canine Officer off-duty compensation for the above stated duties and responsibilities can only be adjusted, increased or decreased, after mutual negotiations concerning the reasonableness of the number of hours spent performing the above duties and responsibilities, or by a change in the federal minimum wage.
4. Any and all times during which the canine is not in custody or possession of the Canine

Officer including, but not limited to, kenneling the canine, the Canine Officer is not compensated hereunder;

5. The Canine Officer must notify the Town of Kent, in writing, when, for whatever reason, the agreed-to-hours is no longer considered a reasonable number of hours by the Canine Officer. The Canine Officer acknowledges and agrees that failure to so notify the Town of Kent will not impute any knowledge whatsoever to the Town.
6. Upon proper and appropriate notification, the Town will, in good faith and within a reasonable time period, enter into negotiations with the PBA and the Canine Officer to mutually and equitably resolve the issue in accordance with the FLSA and any other pertinent requirements.
7. This agreement contains the entire understanding between the parties, contained herein, and this agreement completely supersedes any prior written or oral agreements or representations concerning the subject matter hereof. Any oral representation or modification concerning this agreement shall be of no force or effect;
8. The parties hereto agree that this agreement shall be governed by and construed under the laws of the State of New York and applicable federal laws.
9. The parties agree that they will first seek resolution of any and all disputes and/or disagreements between the parties, concerning the terms, conditions or obligations stated in this agreement through the grievance procedure described in the collective bargaining agreement between the Town and the PBA.
10. The parties agree that the provisions of this agreement may be severed, and if any provision hereof is found to be unenforceable, the other terms and conditions shall remain fully valid and enforceable.

**In witness whereof**, the undersigned have executed this agreement with all due authorization as of the date first written above. Attached is General Order #9.06.

Town of Kent Date

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PBA President	Date
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Canine Officer
Date



# TOWN OF KENT POLICE DEPARTMENT



GENERAL ORDER NO: 9.06	
ISSUE DATE: May 2, 2013	EFFECTIVE DATE: May 2, 2013
REVISES: G.O #9.06 Dated 5/15/02	SUPERSEDES:
SUBJECT: Canine Unit	
DISTRIBUTION: All Personnel	
REEVALUATION DATE:	Page 1 of 8
ISSUING AUTHORITY: Chief Alexander W DiVernieri Jr	

## I. POLICY

The Town of Kent Police Department maintains a K-9 Unit to assist in the Achievement of its mission. The canines and Officers assigned to the K-9 Division are specially trained to assist members of the Department with searches, arrest and other potentially dangerous or violent situations. The canine handlers are responsible for the actions of their canine at all times.

## II. PURPOSE

To establish guidelines for the utilization of the Department's K-9 Unit.

## III. PROCEDURE

### A. Utilization of Department canine.

1. Patrols may request the assistance of a canine through the Communications Division. If a canine team is on-duty the desk officer/dispatcher will immediately dispatch the team to the location.
2. If a patrol officer request the assistance of a canine and there is no canine team on duty, the desk officer/dispatcher shall notify a supervisor. If the supervisor determines a K-9 Unit is needed, the supervisor will recall an

off duty canine team.

3. The Department's K-9 Units may be utilized under the following circumstances:
  - a. To effect an arrest or prevent the escape of a person whom the police officer has reasonable grounds to believe has committed a crime, providing the force used is justified and in accordance with department policy.
  - b. To prevent injury to a police officer or other person.
  - c. To track suspects, lost or missing persons and to search for evidence and contraband.
  - d. To search a building where there is evidence that said building was unlawfully entered or that a suspect may be hiding inside. Building searches will only be done when the canine handler reasonably believes that all innocent persons are clear of the building. The canine handler will give a clear and precise warning prior to deploying the canine.
  - e. To assist in the detection and location of explosive devices or narcotics, providing the canine team is trained for the type of search required.
  - f. To assist at the scene of potentially disruptive public demonstrations or other situations where the presence of a canine team would contribute to maintaining or restoring the peace.  
**\*\*\*\* Canine Teams shall not be used as crowd control or as a deterrent at lawful demonstrations \*\*\*\***
  - g. Upon approval from the Chief of Police or his designee, canine teams may provide demonstrations of police canine skills or lectures on safety and crime prevention.

#### B. General Rules

1. Officers should avoid contaminating the area to be searched with human scent and shall prevent the presence of unnecessary people in the search area. When a canine team is called to the scene, officers should avoid entering the search area without the permission of the canine handler.
2. When a canine team is engaged in a tactical situation, police officers at the scene working with the canine team shall comply with the canine handler's directions.
3. The canine handler shall make the final determination as to whether to

utilize the canine in situations where there is extreme risk of injury to the canine or risk of injury to a citizen.

4. Only canine handlers shall give commands to police canines.
5. Officers shall not hug or lean down close to a police canine's head or pet a police canine without permission from its handler.

C. Duties and Responsibilities of Canine Handler

1. General Rules

- a. **Canine handlers are responsible for the actions of their canines at all times, whether on or off duty.**
- b. Canine handlers will house their assigned canine at their residence unless otherwise authorized by the Chief of Police.
  1. Any equipment needed which is not otherwise provided by the police department to safely house the canine while at the handler's residence will be the responsibility of the handler.
- c. Whenever possible, the canine should be in sight of and under the control of the handler.
- d. Whenever a canine team responds to an incident or conducts a demonstration, the canine handler shall submit, through official channels, a KPD- "K-9 Activity Report Form" as well as an RMS report describing the particulars of the incident or demonstration.
  1. The KPD -"K-9 Activity Report Form" shall be forwarded to the K-9 Supervisor and will be kept in the canine's file.
- e. Whenever a police canine bites a person, regardless of whether the bite occurs while on or off duty, or within or outside the Town of Kent, the canine's handler shall:
  1. Notify the desk officer/dispatcher and have a supervisor dispatched to the scene. If the bite occurs while the canine is off-duty and outside the Town of Kent, the canine handler shall notify a supervisor and report the incident to the local law enforcement agency having authority over the jurisdiction where the bite occurred. If the bite occurs while the canine team is on duty assisting another agency, a supervisor from this agency shall be notified and respond to the scene of the incident.

2. Complete a KPD- K-9 Activity Report Form, RMS report, and a Use of Force Report depending on the circumstances, describing the circumstances surrounding the incident. The reports shall be submitted through official channels.
  3. Ensure that the person who was bitten is immediately transported to a local hospital emergency room for treatment. If the person refuses medical treatment, they should be asked to sign a statement documenting their refusal. The refusal of treatment shall be documented in the KPD K-9 Activity Report.
  4. Ensure that photographs of the bite are taken.
  5. Present their police canine to a veterinarian for examination within twenty-four (24) hours of the incident.
- f. Canine handlers shall not enter their canines in any show, trial or exhibition without the prior approval from the Chief of Police or his designee.

## 2. Health and Care of the Canine

- a. Canine handlers are responsible for the general care and well-being of their canines. They shall not neglect or physically abuse their canines, or permit others to abuse them.
- b. All veterinary treatment for active duty canines is the responsibility of the handler (excluding cost). Immediately after a veterinary visit the handler will forward all paperwork pertaining to the visit to the K-9 supervisor. All paperwork will be kept in the canine's file. If a canine requires immediate care and the Department Veterinarian is not available, the handler shall contact the closest veterinarian and make arrangements to have the canine treated. The handler shall notify the K-9 Supervisor (if not available a Patrol Supervisor) if any canine requires immediate medical attention.
- c. Canine handlers shall not delegate activities such as exercising their canines to others unless the handler is reasonably certain that the delegate is capable of assuming temporary responsibility for the care and handling of their canine.
- d. Canine handlers shall maintain the cleanliness of their assigned radio cars.
- e. Canine handlers shall not breed their canines without the prior approval of the Chief of Police or his designee.
- f. Canine handlers shall promptly report to the K-9 Supervisor (if not available a Patrol Supervisor) of any injuries or illnesses suffered by their canines.



- g. When a canine handler believes that a canine may be ready for retirement due to age, deteriorating performance, ill health or other circumstances, the handler shall submit a written request that the canine be retired to the K-9 Supervisor. The report shall specify the reasons for the request and shall include pertinent medical reports and other relevant documentation. Upon receipt of the handler's report, the K-9 Supervisor shall consult with the department veterinarian. If the K-9 Supervisor determines that the canine seems ready for retirement, the K-9 Supervisor shall prepare a written report and submit it and all documentation to the Chief of Police through official channels. The Chief of Police shall determine whether to retire the canine. Upon retirement, police canines shall be allowed to remain with their handlers. Canine handlers who elect to retain their canines after the canine has been retired from active duty shall no longer be eligible to obtain compensation for time spent caring for their canine. The food and veterinary expenses of retired canines will be the responsibility of the handler.
  - h. Canine handlers shall immediately notify the K-9 Supervisor (if not available a Patrol Supervisor) of the death of their active duty or retired canine. The Supervisor will notify the Chief of Police through official channels.
3. Training
- a. Canine handlers shall immediately notify the K-9 Supervisor (if not available a Patrol Supervisor) of any situation or problem that could affect the working ability of their canine.
  - b. Canine handlers are responsible to notify the K-9 Supervisor in advance, of any training needed for the canine to maintain its certification.
  - c. All paperwork pertaining to the canine's training shall be forwarded to the K-9 Supervisor. All paperwork and records will be kept in the canine's file.
4. Equipment
- a. Canine Officers will be assigned a department vehicle that is capable of accommodating the handler, the canine and any special equipment required for the performance of the canine team.
  - b. Canine handlers shall carry department-issued identification cards for their canines.
  - c. Canine handlers shall ensure that a Kent Police Department K-9 Shield is affixed to the canine's collar at all times.
  - d. Canine handlers shall be responsible for obtaining and maintaining valid licenses for their canines from the Town Clerk in which they live as required by section 109(1) of

the New York State Agriculture and Market Law. Canine handlers shall ensure that the license identification tag is affixed to the canine's collar at all times. The cost of the license will be paid by the Kent Police Department.

- e. Canine handlers shall only use equipment that has been approved by the Department.
- f. Canine handlers are responsible for the proper care and security of all department issued equipment.
- g. Canine handlers are responsible for inspecting their equipment daily. Any damaged or worn equipment discovered during such inspection shall be reported to the K-9 Supervisor, who shall arrange for its replacement as soon as possible.

#### **D. Supervisory Responsibilities**

1. An on-duty supervisor shall be notified and respond to all incidents requiring a building, suspect or missing person search by the K-9 Unit. If there is no supervisor on duty the on call supervisor will be notified. The on call supervisor will make the determination if he or she should respond to the scene.
2. Whenever a canine team is sent outside of the Town of Kent on a mutual aid response, a supervisor will be notified.
3. A supervisor shall investigate and submit a written report through official channels whenever a police canine bites a person, regardless of whether the bite occurs while on or off duty or within or outside the Town of Kent. All canine bite incidents, except those occurring off-duty outside of the Town of Kent, shall be investigated at the scene by a supervisor. The supervisor investigating the canine bite incident shall interview the victim and any witnesses. If the canine bite incident occurred while off duty and outside the Town of Kent and was investigated by another police agency, the supervisor shall obtain and review a copy of the police report filed and any other documents pertaining to the incident. Whenever practical, the supervisor shall visit the scene of the bite incident and attempt to locate and interview any witnesses. The investigating supervisor will ensure that a rabies control report is filed with the Health Department. The investigating supervisor shall forward copies of all documents and photographs pertaining to the incident to the K-9 Supervisor, said supervisor shall forward report to the Chief of Police or his designee.
4. The K-9 Supervisor shall periodically inspect the K-9 Unit's radio cars and the residences of the Department's canine handlers to ensure that security and sanitary requirements pertaining to the canine are met. The Chief of Police or designee shall also perform an inspection when:

- a. An officer applies for assignment to the K-9 Unit.
  - b. A canine handler moves to a new residence.
  - c. A canine handler receives a new canine.
  - d. A veterinarian or department supervisor believes that a canine's poor condition may be attributable to insecure or unsanitary conditions.
  - e. Complaints are received from a neighbor or other person about the condition of the canine or its environment.
5. The K-9 Supervisor will maintain a file for each canine. The file will include all paperwork and records (training, veterinarian, KPD- K-9 Activity Report Forms, etc.).

E. Use of Department Vehicle

1. All canine handling equipment will be kept neatly in the canine vehicle.
2. All canine vehicles will be kept clean.
3. The canine vehicle will only be used for official department business.
  - a. To and from a scheduled tour of duty or recall to duty.
  - b. To and from any canine demonstration approved by the Department.
  - c. Transporting assigned canine to a Veterinarian visits or training exercise.
  - d. Other purposes with prior approval from a supervisor.

F. Aiding a Disabled Canine Officer

1. If a canine officer becomes disabled and is not able to handle their canine, only a uniformed police officer should attempt to gain control of the dog. The assisting officer should:
  - a. Walk to the canine in an affirmative manner, calling the canine's name.
  - b. Grasp the canine's leash or collar.
  - c. Lead the canine to a vehicle, preferably the canine's vehicle if possible and place the canine inside.
  - d. Do not destroy the canine unless all other alternatives to control the canine fail and

immediate destruction is necessary to prevent unjustified serious physical injury or death.

#### G. Handler Selection

The department realizes the unique requirements in the selection of an officer to become a K-9 handler. An officer who wishes to be selected to become a K-9 handler must submit a request to be considered for the assignment to the Chief of Police. In order to be considered for assignment as a K-9 handler, an officer must have a minimum of (2) years experience as a police officer. The Chief of Police will also review the employment history of the officer and will conduct an oral interview and will take into consideration family and home conditions.

The Canine supervisor will be designated by the Chief of Police and shall hold the rank of Sergeant or above.

\*\*\*\*\* The officer assigned to the K-9 unit as of March 11, 2013 is P/O Alex VanderWoude #22

\*\*\*\*\* The K-9 supervisor as of March 11, 2013 is Sgt. Ronald Yeager #104.

- (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.
- 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 #214 - Junk Obsolete Dell Monitor SN#CN-OC5369-64180-49F33EH**

On a motion by Councilman Greene

Seconded by Councilman Tierney

Resolved: On the recommendation of Rich Harris, IT Consultant 1 Dell Monitor SN: CN-OC5369-64180-49F33EH., may be discarded from the Finance Office.

Motion carried unanimously

**Resolution #215 - Order to Remedy Violation – 34 Willow Trail**

On a motion by Supervisor Doherty

Seconded by Councilman Tartaro

Resolved: As per NYS Property Maintenance Code Section of Law NYS-PM107.1.3, NYS-PM107.2 and Tow of Kent Property Code 55A-11 Fire Inspector Walters may proceed to obtain quotes to secure the building at 34 Willow Trail, Tax Map #44.6-1-48.

Motion carried unanimously

**Resolution #216 - Recycling Grant**

On a motion by Councilman Tartaro

Seconded by Supervisor Doherty

Please see attached Resolution

Motion carried unanimously

**Resolution #217 - Accept New Member – Lake Carmel Fire Department**

On a motion by Councilman Greene

Seconded by Councilman Tierney

Resolved: Upon the recommendation of the Lake Carmel Fire President Ed Schaeffler Jr., Candice Telsco was accepted by the Town Board for membership to the Lake Carmel Fire Department.

Motion carried unanimously

**Resolution #218 - Add to the Agenda**

On a motion by Supervisor Doherty

Seconded by Councilman Greene

Resolved: A letter to Putnam County regarding Peekskill Hollow Road and Letter from Sergeant Owens regarding Kent Clean Up Day were added to the agenda.

Motion carried unanimously

**Resolution #219 - Letter of Support to Putnam County – Peekskill Hollow Road**

On a motion by Supervisor Doherty

Seconded by Councilwoman Osborn

Resolved: The Supervisor is authorized to send a letter to the Putnam County Legislature in support of their initiative to impose reasonable weight restrictions upon Peekskill Hollow Road excluding local resident's deliveries and service.

Motion carried unanimously

**Kent Clean Up Day**

Councilwoman Osborn read a letter received from Sergeant Owens acknowledging the efforts of the Town of Kent Police Cadets and several outstanding residents for their help in the yearly Kent Clean Up Day. He said it is the same individuals who help make our community a better place to live and work a special note of thanks to Lillian and Don Pellegrino. He also thanked Jean and John Garren, Bob Arnold, Jessica McMath, Walter Recher and Rich Othmer over 100 bags of trash were collected making the Town of Kent a cleaner & greener place. Supervisor Doherty thanked Sergeant Owens as well as the Lake Carmel Sanitation Department.

**Agenda Items & Correspondence**

There were no questions or comments.

**Resolution #220 - Adjournment**

On a motion by Supervisor Doherty

Seconded by Councilman Tartaro

Resolved: The Town Board Meeting of May 21, 2013 adjourned at 8:45 p.m.

Motion carried unanimously

Respectfully submitted:



Yolanda D. Cappelli  
Town Clerk

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Note: The text of this resolution has been pre-approved by DEC attorneys.  
Please use this pre-approved resolution. IF YOU CHANGE THE  
RESOLUTION, YOU MAY BE REQUIRED TO PASS A SECOND  
RESOLUTION WITH THE CORRECT TEXT.

## RESOLUTION

Resolution Authorizing the Filing of an Application for a State Grant-In-Aid for a Municipal Waste Reduction and/or Recycling Project and Signing of the associated State Contract, Under the Appropriate Laws of New York State.

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS TOWN OF KENT

(Legal Name of Applicant)

herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF KENT

(Governing Body of Applicant)

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That THE SUPERVISOR  
(TITLE of Applicant's designated Authorized Representative)  
is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;
3. That the MUNICIPALITY agrees that it will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling Project.
4. That the MUNICIPALITY or MUNICIPALITIES set forth their respective responsibilities by attached joint resolution relative to a joint Municipal Waste Reduction and/or Recycling Project.
5. That this resolution shall take effect immediately.

## CERTIFICATE OF RECORDING OFFICER

That the attached Resolution is a true and correct copy of the Resolution, authorizing the signing of an application for State Aid, authorizing the signing of a State Contract, and assuring funding of the municipal portion of the cost of the project as regularly adopted at a legally convened meeting of the

TOWN BOARD OF THE TOWN OF KENT  
(Name of Governing Body of the Applicant)

duly held on the 21<sup>st</sup> day of May, 2013

and further that such Resolution has been fully recorded in the

MINUTES BOOK in my office.  
(Title of Record Book)

In witness whereof, I have hereunto set my hand this 22nd day  
of May, 2013.

If the Applicant has an Official Seal,  
Impress here.

Yolanda D. Cappelli  
Signature of Recording Officer

Town Clerk

Title of Recording Officer