

## **TOWN BOARD MEETING/WORKSHOP JUNE 5, 2018**

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

### **Public Hearing – Demolition of Home at 5 Harriman Road**

#### **Resolution #217 - Open the Public Hearing Public Hearing – Demolition of Home at 5 Harriman Road**

On a motion by Supervisor Fleming  
Seconded by Councilwoman Woolley

Resolved: The Public Hearing on the Demolition of home at 5 Harriman Road was reopened.  
Motion carried unanimously

Supervisor Fleming explained this is a building judged unsafe by our Building Inspector who has recommended demolition of the structure situated at 5 Harriman Road, in accordance with Town Code Chapter 29 regarding unsafe buildings. He solicited three vendors to demolish and remove the house and received one quote for \$23,504.00. She asked for comments or questions from the public and the board. Building Inspector Walters said he sent requests to three vendors, two replied they are too busy. The board has the proposal from the third. He added this home has asbestos and believes the cost is higher to handle that particular hazard. Councilman Huestis believes this is one of many homes, knowing the Lake Carmel area and the small lots, water quality and environmental issues he asked if we could prevent another home being built. Building Inspector Walters said it is possible. Councilman Huestis said the amount of homes in distress is significant, 105 homes. We have one full timer and one part timer in our Building and Code Enforcement office; they are doing a wonderful job. He supports Bill on this. Supervisor Fleming said she has not received and comments verbal or written.

#### **Resolution #218 - Close Public Hearing- Demolition of Home at 5 Harriman Road**

On a motion by Supervisor Fleming  
Seconded by Councilwoman Woolley

Resolved: The Public Hearing on the demolition of the home at 5 Harriman Road was closed.  
Motion carried unanimously

### **Public Hearing – Amendment to 39A Town Code – Wetlands Section**

#### **Resolution #219 - Open the Public Hearing Public Hearing – Amendment of Wetlands Section 39A of Town Code – Local Law # /2018**

On a motion by Supervisor Fleming  
Seconded by Councilwoman McGlasson  
Resolved: The Public Hearing was opened.  
Motion carried unanimously

Supervisor Fleming stated this is regarding an amendment to the Town Code Chapter 39A entitled Freshwater Wetlands which will revise Chapter 39A to include water lands identified under the state maps as wetlands under the Town Code. The amendment is: *All lands and water in the Town of Kent, excluding any such lands and waters now or ~~hereafter designated on the state map~~, which have a contiguous area of at least 40,000 square feet and which contain any or all of the following:* . She said the purpose of the amendment is to provide the town with enforcement powers in all the wetlands within the town regardless of the designation or size, this has become an issue in that there were certain areas excluded from our enforcement capabilities. Violations within these wetlands were not enforced at the town level; this would make the town more effective. She asked for comments or questions from the public and the board. Councilman Huestis supports the proposal. Supervisor Fleming suggested adjourning the public hearing allowing anyone who could not attend to submit comments.

#### **Resolution #220 - Adjourn Public Hearing- Amendment of Wetlands Section 39A of Town Code – Local Law # /2018**

On a motion by Supervisor Fleming  
Seconded by Councilwoman Woolley

Resolved: The Public Hearing on the Amendment of Wetlands Section 39A of the Town Code was adjourned until the meeting of June 19, 2018.

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Motion carried unanimously

### **Pledge of Allegiance**

Supervisor Fleming called the Workshop meeting to order with the Salute to the Flag.

### **Workshop**

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

### **Public Comment**

Dorian D'Ausilio of Lake Tibet had a question concerning the Lake Grant's mentioned. She asked has dredging been considered, she know the Governor has money for dredging and understands Palmer Lake is being considered and knows it could be life saving for Lake Tibet. She asked if it is being considered under the grants you are applying for. Supervisor Fleming replied she and Bruce Barber are meeting with DEC tomorrow, she said the problem with Lake Tibet is you're not a lake anymore it has been redefined by DEC as a wetland.

### **Roll Call**

Supervisor Fleming –present

Councilman Denbaum – present

Councilwoman McGlasson – present

Councilman Huestis – present

Councilwoman Woolley – present

### **Resolution #221 - Add to the Agenda**

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

Resolved: The publishing of a notice to sell the property located at TM#33.81-7-73 which is currently encroaching onto a paper road Denning Road be added to the agenda.

Motion carried unanimously

### **Resolution #222 - To Offer Unneeded Real Property for Sale**

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

Whereas, Denning Road is a paper road in the Town which has never been developed, and

Whereas, the dwelling on the property at 24 Grasslands Road encroaches on to a portion of Denning Road, through no fault of the current owner of 24 Grasslands Road, Maristan Properties, LLC, and

Whereas, Maristan Properties, LLC, wishes to purchase a portion of Denning Road from the Town, to clear its title, and

Whereas, the Highway Superintendent advises that the Town has no use for Denning Road,

Now, Therefore, be it resolved that the Town Board finds Denning Road to be unneeded real property for Town purposes; and it is

Further Resolved, that Denning Road be offered for sale for the best possible price, subject to a permissive referendum in accordance with Town Law Section 90

Motion carried unanimously

### **Resolution #223 - Authorizing the Correction of Violation/Accept Proposal & Charge Property Owner -5 Harriman Road, TM#33.74-1-22**

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

**WHEREAS**, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation dated October 24, 2017 (the "Order to Remedy") directing the owner to remove the unsafe structures on the premises identified as 5 Harriman Road, Kent, New York, Tax Map 33.74-1-12 (the "Property"); and

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**WHEREAS**, pursuant to Town Code Chapter 29, having had no response from the Owner, the Building Inspector advised the Town Board of the unsafe structure and the Board directed a Notice to be served at the last known address of the Owner advising the Owner that corrective measures must be begun within thirty days of service of the Notice; and

**WHEREAS**, the Notice was personally delivered to the last known address of the Owner of the Property on May 3, 2018, and to date, the Owner of the Property has made no efforts to correct the violation; and

**WHEREAS**, public hearing was held on this matter on May 15, 2018; and

**WHEREAS**, pursuant to Chapter 29 of the Town Code of the Town of Kent regarding “Buildings, Unsafe”, following a public hearing, upon the failure of any owner to comply, the Building Inspector is authorized to correct a violation subject to the approval of the Town Board; and the Town Board wishes to authorize the Building Inspector to correct the violation; and

**WHEREAS**, consistent with the Town’s Procurement Policy, the Town of Kent requested written proposals from contractors to correct the violation on the Property and received quotes in response to the request for, copies of which are annexed hereto and incorporated by reference; and

**WHEREAS**, John P. Nilsen has submitted the lowest proposal to remove the unsafe structures on the Property at a cost of \$23,504.00; and

**WHEREAS**, the Town Board of the Town of Kent wishes to accept the proposal submitted by John P. Nilsen in the amount of \$23,504.00;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts the proposals of John P. Nilsen for the removal of the unsafe structure on the Property; and

**FURTHER RESOLVED**, that the actual cost of the correction of the violation, plus the accrued legal rate of interest from the date of completion of the work, shall be assessed and levied against the Property and collected by the Town in accordance with Chapter 29-10.  
Motion carried unanimously

**Resolution #224 - Authorize Town Clerk to Advertise for Requests for Proposals for Lake Carmel Streambank Stabilization Project**

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

**WHEREAS**, the Town Board of the Town of Kent wishes to authorize its Town Clerk, Yolanda D. Cappelli, to advertise for bids for the Lake Carmel Streambank Stabilization Project;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes its Town Clerk, Yolanda D. Cappelli, to advertise for bids for the Lake Carmel Streambank Stabilization Project.

Motion carried unanimously

**Resolution #225 - Hiring Lifeguards for Lake Carmel Park District**

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

**WHEREAS**, the Town of Kent has duly advertised and received applications for Lifeguards for the Lake Carmel Park District; and

**WHEREAS**, by email dated June 4, 2018, the Lake Carmel Park District has submitted a listing of proposed hires and rates of pay for the Lifeguards for the summer of 2018, a copy of which is annexed hereto and incorporated herein by reference; and

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**WHEREAS**, the Town Board of the Town of Kent wishes to accept and approve the hiring of the Lifeguards at the rates of pay as set forth on the proposal;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts and approves the hiring of the Lifeguards at the proposed rates of pay for the Lake Carmel Park District Lifeguards for the summer of 2018 as set forth in the attached proposal.  
Motion carried unanimously

**Resolution #226 - Authorize Town Clerk to Advertise for Members of the Lake Carmel Community Center Board**

On a motion by Councilwoman McGlasson

Seconded by Councilwoman Woolley

**WHEREAS**, the Town of Kent is seeking to fill vacancies on the Lake Carmel Community Center Advisory Board; and

**WHEREAS**, the Town of Kent wishes to advertise to fill said vacancies by residents of the Town of Kent; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes its Town Clerk, Yolanda D. Cappelli, to advertise to fill the vacancies on the Lake Carmel Community Center Advisory Board.  
Motion carried unanimously

**Resolution #227 - Authorize Hiring of Northeast Aquatic Research to Conduct a Water Quality & Aquatic Vegetation Study**

On a motion by Councilwoman McGlasson

Seconded by Councilwoman Woolley

**WHEREAS**, by email dated June 1, 2018, the Lake Tibet Park District #2 Property Owners Association, Inc., (the "Board of Directors") advised the Board of a need for a water quality and aquatic vegetation study to be conducted at Tibet Lake; and

**WHEREAS**, pursuant to the Town's procurement policy, a request for proposals was submitted to six vendors who provide such service and three quotes were received in response; and

**WHEREAS**, the Board of Directors is not recommending the Town Board accept the lowest proposal submitted by Solitude Lake Management because Solitude would solely recommend chemical treatment following the study; and

**WHEREAS**, the Board of Directors voted to approve the quote of Northeast Aquatic Research, the second lowest proposal, to conduct the study, with additional water quality sampling, at a cost of \$4,707.15, because such proposal is the best value pursuant to the aforementioned procurement policy;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Kent hereby ratifies the actions of the Lake Tibet Park District Advisory Board and authorizes the hiring of Northeast Aquatic Research, as having submitted the bid with the best value, to conduct a study on the water quality and aquatic vegetation at Lake Tibet for a cost not to exceed \$4,707.15; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Kent hereby authorizes the Supervisor to execute a contract to give effect to this resolution in a form acceptable to the Town Attorney.  
Motion carried unanimously

**Resolution #228 - Table Contract for Printers/Copiers**

On a motion by Councilwoman McGlasson

Seconded by Councilman Huestis

Resolved: The contract for Printer/Copiers was tabled.

Motion carried unanimously

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**Resolution #229 - Hire Seasonal Employees for Recreation Department**

On a motion by Councilwoman Woolley

Seconded by Supervisor Fleming

WHEREAS, the Town of Kent is seeking to fill positions for Seasonal Employees for the Recreation and Parks Department; and

WHEREAS, Jared Kuczenski, Acting Director of the Recreation and Parks Department, has recommended the hiring of James Andrew Arvoy, Owen Loughlin Day, Austin Michael Fikaris, and Steven John Finney to fill the positions; and

WHEREAS, the Town Board believes it to be in the best interests of the Town to accept the recommendations; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of the above referenced individuals as Seasonal Employees for the Recreation and Parks Department at the rate of \$11 per hour for hours worked from Monday through and including Friday and \$15 per hour for hours worked Saturday and/or Sunday; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Supervisor to execute any and all documents necessary to give effect to this resolution.  
Motion carried unanimously

**Resolution #230 - Contract for Paving of Huestis Park**

On a motion by Councilwoman Woolley

Seconded by Supervisor Fleming

WHEREAS, by resolution dated March 20, 2018, the Town Board accepted and approved the bid of Intercounty Paving Co. to provide paving within the Town of Kent during the 2018 season; and

WHEREAS, Huestis Park is in need of paving and the Town Board wishes to authorize Intercounty Paving Co. to complete the needed paving consistent with the accepted bid, and as summarized in the attached proposal, at a cost not to exceed \$32,799.12 to be paid from the budget of the Recreation and Parks Department or Capital Project Budget Line;

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the paving of Huestis Park by Intercounty Paving Co. for a cost not to exceed \$32,799.12; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to execute any document necessary to give effect to this resolution, in forms acceptable to the Town Supervisor and Town Attorney.  
Motion carried unanimously

**Resolution #231 - Contract for Property Clean-Up TM#31.-1-5 & Charge to Property**

On a motion by Councilwoman Woolley

Seconded by Supervisor Fleming

Resolved: The contract for property clean up TM#31.-1-5 was tabled.

Motion carried unanimously

**Resolution #232 - Approve Vouchers and Claims**

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: All Vouchers #200146421 - #200146590 and claims submitted by:

- |                                   |             |                      |
|-----------------------------------|-------------|----------------------|
| 1. Cardmember Services            | \$17,593.92 | Credit Card: CDW     |
| 2. City Carting                   | \$4,877.98  | Lake Carmel Garbage  |
|                                   | \$8,303.39  |                      |
| 3. Danbury Auto Springs & Welding | \$5,038.36  | Sanitation Truck #19 |
| 4. Deere Credit                   | \$55,704.85 | Tractors Lease       |
| 5. Hogan & Rossi                  | \$5,416.63  | Legal Services       |

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6. Insite Engineering	\$4,376.20	Lake Carmel Dam
7. Intercounty Paving amount)	\$247,528.50	White Pond Paving (corrected
8. Lewis & Greer, P.C.	\$3,126.50	Special Counsel
9. NYS Dept. of Civil Service	\$209,450.86	May Health Insurance
10. Royal Carting	\$3,510.75	Recycling Garbage
11. State Comptroller	\$34,820.00	Justice Court Fines & Fees
12. Tire Buys	\$2,814.45	Tires

In the amount of \$684,489.76 be paid.

Motion carried unanimously

**Resolution #233 - Adjourn to Executive Session**

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The town board adjourned to executive session at 8:35 p.m. to discuss the medical, financial, credit or employment history of a particular person or corporation and current litigation.

Motion carried unanimously

**Resolution # 234 - Adjournment**

On a motion by Councilwoman McGlasson

Seconded by Councilman Denbaum

Resolved: Executive session adjourned at 9:07 p.m. no action was taken.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli

Kent Town Clerk

