

## TOWN BOARD MEETING OF JUNE 4, 2019

A regular Town Board meeting was held at the Kent Town Hall, 25 Sybil's Crossing, Kent Lakes, New York 10512 on Tuesday, June 4, 2019 at 7:00 p.m.

Supervisor Fleming recused herself from the Public Hearing on Amendments to Chapter 57

### **Resolution #226 - Open Public Hearing on Amendments to Chapter 57 Roads & Roadways**

On a motion by Councilman Huestis

Seconded by Councilman Denbaum

Resolved: The Public Hearing on amendments to Chapter 57 Roads & Roadways was opened.

Motion carried unanimously

Councilman Huestis explained there have been some changes to the law. Town Counsel Tagliafierro explained since the laws introduction there has been changes clarifying this does not pertain to all roads in private communities but only to those on the attached list. She said Section 57-32. 4. Has been removed since the highway department has the authority under New York State Law. Highway Superintendent Othmer said in addition, Section 57-31 D. Has been revised, *Private contractors have been unable or unwilling* has been removed and *do not have the ability* has been added. Also, Section 57-32. Agreement 4. has been deleted. He explained the road list that is attached is the only roads there is no adding on; there is no need for additional equipment or manpower they roads have been done historically. David Dean representing the Sedgewood Club questioned the removal of 4. Under Section 57-32. Highway Superintendent Othmer agreed with its removal, it gives the impression that they will do more than emergency services. Councilman Ruthven explained he had a problem with the verbiage perform such other services as necessary, he felt all the duties performed by the department are covered in 1,2 and 3, also he is allowed to perform emergency services under New York State Law. He said it is vague which could leave it open for interpretation for the future Superintendents.

### **Resolution #227 - Adjourn the Public Hearing**

On a motion by Councilman Huestis

Seconded by Councilman Denbaum

Resolved: The Public Hearing on Amendments to Chapter 57 Roads & Roadway was adjourned until June 18, 2019 for further comments.

Motion carried unanimously

### **PLEDGE OF ALLEGIANCE**

Supervisor Fleming called the Workshop Meeting to order with the Salute to the Flag at 7:15 p.m.

### **WORKSHOP MEETING**

The board discussed and reviewed all items on the workshop agenda. Councilman Ruthven recused himself from the discussion on 3. Maintenance of abandoned cemeteries. To see what transpired at the workshop meeting please see Videos on Demand on the Town's website. [www.townofkentny.gov](http://www.townofkentny.gov).

**PUBLIC COMMENT**-There was none

### **THE TOWN BOARD MEETING WAS CALLED TO ORDER WITH ROLL CALL**

Supervisor Maureen Fleming – present

Councilman Paul Denbaum – present

Councilwoman Jaime McGlasson – present

Councilman Bill Huestis – present

Councilman Chris Ruthven – present

### **Also Present:**

Town Clerk Yolanda Cappelli, Highway Superintended Richard Othmer, Town Counsel Nancy Tagliafiero, Acting Sergeant Tara Flynn, Members of the Lake Carmel Park District Advisory Board Robert Ulich. Recycling Chairperson Sue Kotzur and.

### **RESOLUTION #228 - EXTENDING AGREEMENT FOR MAINTENANCE OF ABANDONED CEMETERIES**

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

WHEREAS, the Town previously contracted with Steven Kelleher to maintain abandoned cemeteries in the Town of Kent; and

WHEREAS, Putnam County has expressed an intent to take over the maintenance of the Town's abandoned cemeteries, but has not yet undertaken such maintenance; and

WHEREAS, in the meantime, the Town of Kent wishes to extend the contract with Steven Kelleher, on a month-to-month basis, to maintain the cemeteries;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Town Supervisor to extend the agreement with Steven Kelleher, on a month-to-month basis, for the maintenance of certain abandoned cemeteries within the Town of Kent, until such time as Putnam County takes over maintenance.

Councilman Huestis said Steve does a great job; hopefully his equipment can handle the 2' of grass.

**Roll Call**

Councilman Denbaum – aye

Councilwoman McGlasson – aye

Councilman Huestis – aye

Councilman Ruthven – abstained

Supervisor Fleming – aye

Motion carried

**RESOLUTION #229 -APPROVING COLLECTIVE BARGAINING AGREEMENT**

On a motion by Councilman Denbaum

Seconded by Councilman Ruthven

**WHEREAS**, the Town of Kent and Local 456, International Brotherhood of Teamsters, (“Local 456”) are parties to a certain Collective Bargaining Agreement which runs from January 1, 2015 through and including December 31, 2018; and

**WHEREAS**, as a result of collective bargaining by and between Local 456 and the Town, the Town and the Local 456 wish to enter into a Collective Bargaining Agreement (the “Agreement”) to be effective to and including December 31, 2022, on the terms contained in the Agreement, a copy of which is annexed hereto and incorporated herein by reference;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes and approves the Agreement to be effective to and including December 31, 2022, on the terms contained in said Agreement; 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; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Kent hereby approves and ratifies all acts heretofore taken by the Town Board, Town Supervisor and any and all Town Officials in connection with the subject Agreement.

**Roll Call**

Councilman Denbaum – aye

Councilwoman McGlasson – aye

Councilman Huestis – aye

Councilman Ruthven – aye

Supervisor Fleming – aye

Motion carried unanimously

**RESOLUTION #230 - SETTING E WASTE FEES**

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

**WHEREAS**, the Town Board of the Town of Kent wishes to set the fee schedule annexed hereto for eWaste Disposal;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes and approves the Proposed Fees for eWaste as annexed hereto;  
Motion carried unanimously

**RESOLUTION #231 - HIRE LAKE CARMEL PARK DISTRICT LIFEGUARD**

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

WHEREAS, the Town of Kent is seeking to fill the summer positions for head guards and lifeguards in the Lake Carmel Park District ("LCPD"); and

WHEREAS, by email dated June 3, 2019, Heidi Link, the LCPD Clerk, forwarded Andrea McKinley, LCPD Lifeguard Supervisor's recommendations for head guards and life guards for the 2019 season, all of whom were lifeguards with the LCPD in previous seasons, a copy of said list is annexed hereto and incorporated herein by reference; and

WHEREAS, the Town Board desires to accept the recommendations of Ms. McKinley and hire the head guards and lifeguards on the annexed list at the rate of pay therein provided.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hirings described in the annexed list at the rate of pay provided for the LCPD for the 2019 season; 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 #232 - HIRE SEASONAL PARK MAINTENANCE HELPERS LAKE CARMEL PARK DISTRICT**

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

WHEREAS, the Town of Kent is seeking to fill positions for Seasonal Maintenance Helpers in the Lake Carmel Park District; and

WHEREAS, Bob Nix, Crew Chief for the Lake Carmel Park District has recommended the hiring of Joseph John Ilacqua, Sean Luke Ferris and Joseph Vincent Grippo 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 Maintenance Helpers at the rate of \$11.10 per hour for a maximum of 40 hours per week; 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 #233 - ACCEPT QUOTE FOR INFLATABLE AMUSEMENTS KENT COMMUNITY DAY**

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

WHEREAS, the Town of Kent would like to have attractions at the 2019 Kent Community Day on September 7, 2019; and

WHEREAS, in accordance with the Town's Procurement Policy, the Town sought quotes from fifteen companies for inflatable amusements and received one written quote in response to such request, a summary of which is annexed hereto and incorporated herein by reference; and

WHEREAS, New England Bounce About of Brookfield, Connecticut, has submitted the sole and therefore lowest quote in the amount of \$6,068; and

**WHEREAS**, the Director of Recreation and Parks has recommended the acceptance of the quote from New England Bounce About, and the Town Board of the Town of Kent wishes to accept the recommendation of the Director of Recreation and Parks;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts the quote of New England Bounce About to supply inflatable amusements on Kent Community Day for the price set forth in the summary attached hereto in an amount not to exceed \$6,068; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor is hereby authorized and directed to execute any and all agreements and other documents necessary to give effect to this Resolution, consistent with the terms hereof, all in form satisfactory to the Supervisor and the Town Attorney.

Motion carried unanimously

**RESOLUTION #234 - ACCEPT QUOTE FOR COMMUNITY DAY SUPPLIES**

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

**WHEREAS**, the Town of Kent is in need of tables, tents and chairs for 2019 Kent Community Day which is scheduled for September 7, 2019; and

**WHEREAS**, in accordance with the Town's Procurement Policy, the Town sought quotes for the rental of tables, tents and chairs for Kent Community Day, and received two written quotes in response to such request, copies of said proposals are attached hereto and incorporated herein; and

**WHEREAS**, Party Time Rentals Inc. of Poughquag, New York, has submitted the lowest quote for tables, tents and chairs, in the amount of \$1,890; and

**WHEREAS**, the Acting Director of Recreation and Parks has recommended the acceptance of the quote from Party Time Rentals Inc. for the tables, tents and chairs, and the Town Board of the Town of Kent wishes to accept the recommendation of the Director of Recreation and Parks;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts the quote of Party Time Rentals Inc. to supply tables, tents and chairs for the price set forth above; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor is hereby authorized and directed to execute any and all agreements and other documents necessary to give effect to this Resolution, consistent with the terms hereof, all in form satisfactory to the Supervisor and the Town Attorney.

Motion carried unanimously

**RESOLUTION #235 - HIRE PARK MAINTENANCE WORKER FOR RECREATION DEPARTMENT**

On a motion by Councilman Ruthven

Seconded by Councilman Huestis said this is for a replacement for someone that left.

**WHEREAS**, the Town of Kent is seeking to fill a full time position of Park Maintenance Worker for the Recreation Department; and

**WHEREAS**, the Town interviewed numerous candidates for the position and Edwin Swanson submitted a resume and demonstrated proper qualifications to fill the position;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes the hiring of Edwin Swanson as Park Maintenance Worker for the Recreation Department at the rate of \$25.24 per hour subject to a satisfactory background check.

Motion carried unanimously

**RESOLUTION #236 - AUTHORIZING CORRECTION OF VIOLATION ACCEPTANCE OF PROPOSAL & CHARGE TO PROPERTY OWNER TM#33.35-1-44**

On a motion by Councilman Ruthven

Seconded by Councilman Huestis

**WHEREAS**, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation dated April 18, 2019 (the "Order to Remedy") directing the owner to remove rubbish and debris from the exterior of the property identified as 77 Clubhouse Road, Kent, New York, Tax Map No. 33.35-1-44 (the "Property"); and

**WHEREAS**, the Order to Remedy requires the owner to correct the violations or respond to the Code Enforcement Officer within ten days and, to date, the owner of the Property has not responded; and

**WHEREAS**, pursuant to Chapter 55A of the Town Code of the Town of Kent regarding "Property Maintenance", 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 three written proposals from contractors to correct the violation on the Property and received one proposal in response from F.I. Adams in the amount of \$1,500, a copy of said proposal is annexed hereto and incorporated by reference; and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Kent hereby accepts the bid of FI Adams for the correction of the violation at a cost not to exceed \$1,500; 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 charged to the property owner by the Town in accordance with Chapter 55A-12(B).

Motion carried unanimously

**RESOLUTION 237 - ADD TO THE AGENDA**

On a motion by Supervisor Fleming

Seconded by Councilman Ruthven

Resolved: Hire Sanitation/Municipal Repairs Clerk was added to the agenda.

Motion carried unanimously

**RESOLUTION #238 - TO HIRE SANITATION CLERK/MUNICIPAL REPAIR CLERK**

On a motion by Councilman Ruthven

Seconded by Supervisor Fleming

**WHEREAS**, the Town of Kent is seeking to fill a full time position for a Sanitation /Municipal Repairs Clerk; and

**WHEREAS**, Jaclyn LoPiccolo has submitted a resume and demonstrated proper qualifications to fill the position, pending completion of all background clearances;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes the hiring of Jaclyn LoPiccolo as Sanitation/Municipal Repair Clerk at a yearly salary of \$30,500, pending completion of all background clearances.

Motion carried unanimously

**RESOLUTION #239 - APPROVAL OF VOUCHERS & CLAIMS**

On a motion by Councilman Huestis

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Seconded by Supervisor Fleming

Resolved: All the Vouchers #200150802 - #200151026 and claims submitted by:

1. Terry Boalt	\$9,760.00	Library Steps Repair
2. City Carting	\$6,330.39	Lake Carmel Garbage
	\$7,379.95	
3. Clark Equipment	\$20,604.61	Bobcat Loader
4. Extreme Signs & Apparel	\$6,171.55	Baseball Uniforms
5. Global Montello Group	\$5,087.50	Fuel
	\$3,653.60	
6. Hogan & Rossi	\$5,416.63	Legal Services
7. Medicare Reimbursements	\$25,909.50	Medicare Reimbursements
8. Navistar, Inc.	\$215,151.26	International Truck
9. Northeast Aquatic Research	\$2,527.00	Lake Tibet Water Monitoring
10. Pine Bush Equipment	\$5,802.03	Excavator Rental: Landfill
11. State Comptroller	\$41,647.00	Justice Court: Fines & Fees

In the amount of \$440.054/32 may be paid.

Motion carried unanimously

**PUBLIC COMMENT**

Sue Kotzur of Kent Cliffs said she has asked this before. She has confirmed with the Putnam County Clerk's Office and they have not received the closing of the easement on Ray Singer's Court. Supervisor Fleming said Putnam County approved the easement across the Recycling Center for Clancy Logistics who pulled out of the deal. The easement had been filed but not in full force until the purchase was complete. It was not completed so the easement is nonexistent. There was concern about the easement being open. The attorney for Clancy was to file the notice with the clerk; she said she would follow up.

**RESOLUTION #240 - ADJOURN TO EXECUTIVE SESSION**

On a motion by Councilman Huestis

Seconded by Councilwoman McGlasson

Resolved: The town board adjourned to executive session to discuss matters related to personnel and additional legal matters.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli, Town Clerk

Town Board Meeting – Executive Session  
June 4, 2019

Supervisor Fleming left the meeting at 8:42 p.m.

**Resolution #241 - Response to Grievances**

On a motion by Councilman Denbaum

Seconded by Councilman Huestis

Resolved: The Board authorized Councilwoman to respond to two grievances regarding the retroactive buyout of health insurance with denials.

On a motion from Councilman Ruthven, seconded by Councilwoman McGlasson, the meeting was adjourned at 8:51 p.m.

Respectfully submitted,

Nancy Tagliafierro

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**RESOLUTION  
TO HIRE PARK MAINTENANCE WORKER  
FOR RECREATION DEPARTMENT**

**TOWN OF KENT  
COUNTY OF PUTNAM, STATE OF NEW YORK**

**RESOLUTION # \_\_\_\_\_  
INTRODUCED BY: \_\_\_\_\_  
SECOND BY: \_\_\_\_\_**

**DATE OF CONSIDERATION/ADOPTION: June 4, 2019**

WHEREAS, the Town of Kent is seeking to fill a full time position of Park Maintenance Worker for the Recreation Department; and

WHEREAS, the Town interviewed numerous candidates for the position and Edwin Swanson submitted a resume and demonstrated proper qualifications to fill the position;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Edwin Swanson as Park Maintenance Worker for the Recreation Department at the rate of \$27.10 per hour.