

TOWN BOARD MEETING OF APRIL 23, 2019

A regular Town Board meeting was held at the Kent Town Hall, 25 Sybil’s Crossing, Kent Lakes, New York 10512.

RESOLUTION #172 - ADJOURN TO EXECUTIVE SESSION

On a motion by Supervisor Fleming
Seconded by Councilwoman McGlasson
Resolved: The town board adjourned to executive session at 6:15 p.m. to discuss collective negotiations pursuant to article fourteen of the civil service law; and pending litigation.
Motion carried unanimously

RESOLUTION #173 - ADJOURN EXECUTIVE SESSION

On a motion by Councilwoman McGlasson
Seconded by Supervisor Fleming
Resolved: The town board adjourned executive session at 7:05 p.m. no votes were taken.
Motion carried unanimously

Resolution #174 - Open Public Hearing on Amendments to Chapter 57 Roads & Roadways

On a motion by Councilman Denbaum
Seconded by Councilwoman McGlasson

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

Councilman Huestis explained as noted on the agenda the public hearing will be opened to accept written comments only as the Highway Superintendent Richard Othmer could not be present due to unanticipated circumstances. Written comments were not presented.

Resolution #175 - 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 May 7, 2019.
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. To see what transpired at the workshop meeting please see Videos on Demand on the Town’s website. 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, Town Counsel Nancy Tagliafiero, Police Chief Kevin Owens, Members of the Lake Carmel Park District Advisory Board Cathy Wargas, Dale Cusack, Robert Ulich, Christine Williams and newly appointed Walter Recher and Lake Tibet Chairperson Dorian D’Ausilio.

Resolution #176 -Authorizing Operating Permit for Fireworks Extravaganza

On a motion by Councilman Denbaum
Seconded by Councilwoman McGlasson
WHEREAS, pursuant to Chapter 38 of the Code of the Town of Kent, no event that uses pyrotechnic devices in assembly occupancies may be conducted in the Town of Kent without first applying for a permit from the Town Board; and

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WHEREAS, Fireworks Extravaganza has submitted an application to conduct an event including pyrotechnic devices, in the form of fireworks, at 247 Lakeshore Drive East, Carmel, New York on June 29, 2019 and proposes a rain date of July 6, 2019; and

WHEREAS, the Town Board has reviewed the Application and supporting documentation and finds the Application complies with the requirements of the Town Code of the Town of Kent in all respects; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the issuance of an operating permit to Fireworks Extravaganza to conduct a fireworks display at 247 Lakeshore Drive East, Carmel, New York on June 29, 2019, with a proposed rain date of July 6, 2019.

Motion carried unanimously

Resolution #177 - Authorizing Temporary Sales Event Lakeview Community Church

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

WHEREAS, pursuant to Chapter 58 of the Code of the Town of Kent, no temporary sales event may be conducted in the Town of Kent without first applying for a permit from the Town Board; and

WHEREAS, Lakeview Community Church has submitted an application to conduct a temporary sales event in the form of a community tag sale at its location at 387 Route 52, Town of Kent, New York on Saturday, June 1, 2019 with a proposed rain date of June 8, 2019; and

WHEREAS, the Town Board has reviewed the Application and supporting documentation and finds the Application complies with the requirements of the Town Code of the Town of Kent in all respects; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the issuance of an operating permit to Lakeview Community Church to conduct a community tag sale at its location at 387 Route 52, Town of Kent, New York on Saturday, June 1, 2019 with a proposed rain date of June 8, 2019.

Motion carried unanimously

Resolution #178 - Approval of Lake Carmel Fire Department Amendment of Service Award Recipients for the year 2018

On a motion by Councilman Denbaum

Seconded by Councilman Huestis

WHEREAS, by resolution dated January 22, 2019, the Town of Kent approved a list of members of the Lake Carmel Fire Department who qualified as Service Award Recipients for the year 2018 (the "List"); and

WHEREAS, by letter dated March 29, 2019, William Walters, President of the Lake Carmel Fire Department has requested that the List be amended to include Shawn Madsen as qualified as Service Award Recipient for 2018, and to remove Brendan Tully from the List; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves the addition of Shawn Madsen to the List of Service Award Recipients for the Lake Carmel Fire Department and removal of Brendan Tully from the List of Service Award Recipients for the Lake Carmel Fire Department 2018; 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 #179 - Acceptance of Quote for Rental of Porta Johns

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On a motion by Councilman Denbaum
Seconded by Councilman Ruthven

WHEREAS, there is a need to rent portable toilets for Park District #1 (Lake Carmel) including Beach Nos. 2, 3, 4 and 7 and the Maintenance Garage, and the Kent Recreation Department including Edward Ryan Memorial Park, and Huestis Park; and

WHEREAS, in accordance with the Town's Procurement Policy, the LCPD Clerk requested quotes from four companies and received two quotes in response, copies of which are annexed hereto and incorporated herein by reference; and

WHEREAS, Royal Flush has submitted the lowest quote; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the quote submitted by Royal Flush for calendar year 2019;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves the rental of Porta Johns from Royal Flush at the prices set forth on the quote annexed hereto for calendar years 2019, and the Town Supervisor is hereby authorized and directed to execute any and all agreements 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 #180 - Accepting Quote for Beach Sand

On a motion by Councilman Denbaum
Seconded by Councilman Ruthven

WHEREAS, the Lake Carmel Park District Clerk has advised the Town Board that there is a need for beach sand within the Lake Carmel Park District; and

WHEREAS, in accordance with the Town's Procurement Policy, the LCPD Clerk requested quotes for 70 yards of sand with delivery, and received 3 quotes in response to such request, a summary of which is annexed hereto and incorporated herein by reference; and

WHEREAS, Stroker Trucking of Middle Island, New York has submitted the lowest quote in the amount of \$3,360; and

WHEREAS, the Town of Kent wishes to accept the quote of Stroker Trucking;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the quote of Stroker Trucking for 70 yards of sand, delivered, for the price of \$3,360.

Motion carried unanimously

Resolution #181 - Appointing Member to Lake Carmel Park District Advisory Board

On a motion by Councilwoman McGlasson
Seconded by Councilman Ruthven

WHEREAS, the Lake Carmel Park District Advisory Board currently has a vacancy, and Walter Recher has submitted an application seeking to fill said vacancy; and

WHEREAS, Brett Harrison, Chairman of the LCPDAB has recommended the appointment of Walter Recher to the Board; and

WHEREAS, the Town Board of the of Kent wishes to appoint Walter Recher to fill the vacancy on the LCPDAB;

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NOW, THEREFORE, BE IT RESOLVED, that Walter Recher be appointed as a member of the Lake Carmel Park District Advisory Board for a term of 5 years, commencing on January 1, 2019 and terminating on December 31, 2023.

Motion carried unanimously

Resolution #182 - Accepting Proposal for Carp for Lake Tibet

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

WHEREAS, the Town Board of the Town of Kent has been advised there is a need to add 300 Carp to Lake Tibet; and

WHEREAS, in accordance with the Town's Procurement Policy, the Lake Tibet Advisory Board obtained proposals from companies which provide Carp, and received three proposals, copies of which are annexed hereto and incorporated herein by reference; and

WHEREAS, Northeastern Aquatics has submitted the lowest proposal for \$12.00 per Carp; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the proposal submitted by Northeastern Aquatics;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves the purchase of 300 Carp for Lake Tibet from Northeastern Aquatics for a cost of \$12.00 per Carp, for a total expenditure of \$3,600.

Motion carried unanimously

Resolution #183 - Accepting Proposal for Nuisance Beaver Control

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

WHEREAS, the Town Board of the Town of Kent has been advised there is a need for nuisance beaver control at Lake Tibet on an emergency basis; and

WHEREAS, the Town Board is in receipt of a proposal from NY Wildlife Control to scout, evaluate and provide remediation services pertaining to nuisance beavers for \$2,850; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the proposal submitted by NY Wildlife Control.;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves nuisance beaver control at Lake Tibet from NY Wildlife Control for the price set forth on the proposal annexed hereto in the amount of \$2,850; 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.

Motion carried unanimously

Resolution #184 - Hire Seasonal Work for Recreation Department

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

WHEREAS, the Town of Kent is seeking to fill a full time position for a seasonal employee for the Recreation Department; and

WHEREAS, the Acting Director of Recreation and Parks has recommended the hiring of James Andrew Arvoy to fill the position of Park Maintenance; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of James Andrew Arvoy for a maximum of 40 hours per week as a Park Maintenance Worker at the weekday rate of \$11.50 per hour and weekend rate of \$15.00 per hour; 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 #185 - Hire Start Smart Assistants Recreation Department

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

WHEREAS, the Town of Kent is seeking to fill positions in the Recreation Department as Assistants for the Start Smart Baseball and Soccer 2019 program; and

WHEREAS, the Acting Director of Recreation and Parks has recommended hiring Adrianna DeSalvo, MaryJo Garcia and Tyler Maguire to fill the positions; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Adrianna DeSalvo, MaryJo Garcia and Tyler Maguire as assistants for the Start Smart Program Baseball and Soccer for the Recreation Department at a rate of \$20 per session; 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 #186 - Amending Standard Workday Resolution & Reporting

On a motion by Councilman Ruthven

Seconded by Councilman Huestis

WHEREAS, by resolution dated October 23, 2018, the Town of Kent established a standard work day for its elected officials and authorized Town Officials to report days worked to the New York State and Local Employee Retirement System; and

WHEREAS, the Record of Activities of Stephen Wilhelm were incorrectly reported as 2.56 instead of 2.62; and

WHEREAS, the Town Board wishes to amend the Record of Activities for Stephen Wilhelm to 2.62 consistent with the attached Standard Work Day and Reporting Resolution for Elected and Appointed Officials, a copy of which is incorporated herein by reference;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Kent hereby amends the standard work days for Stephen Wilhelm as set forth on the attached schedule and will report days worked to the New York State and Local Employee's Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body.

Motion carried unanimously

Resolution #187 - Authorizing Correction of Violation Acceptance of Proposal

On a motion by Councilman Ruthven

Seconded by Councilwoman McGlasson

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WHEREAS, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy a Violation dated March 14, 2019 (the “Order to Remedy”) directing the owner to remove rubbish and debris at the property identified as 115 Putnam Drive, Kent, New York, Tax Map No. 22.58-1-29 (the “Property”); and

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

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 two proposals in response, copies of said proposals are annexed hereto and incorporated by reference; and

WHEREAS, FI Adams, Inc. submitted the lowest proposal in the amount of \$1,500.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby accepts the proposal of FI Adams, Inc. 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 #188 - Accept NYS Urban Forestry Council Arbor Day Community Grant

On a motion by Councilman Ruthven

Seconded by Councilman Huestis

WHEREAS, by letter dated April 2, 2019, the NYS Urban Forestry Council notified the Town that it will receive \$1,000 through the NYS Urban Forestry Council Arbor Day Community Grant Program (the “Grant”); and

WHEREAS, the Town Board is in receipt of 50% of the Grant in the amount of \$500; and

WHEREAS, the Town Board desires to accept the Grant and to approve and ratify any and all prior action taken by Town Officials in connection therewith;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the Grant in the amount of \$1,000; 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 other Town Officials in connection with the subject grant.
Motion carried unanimously

Resolution #189 - Appoint Counsel for Planning Board

On a motion by Councilman Ruthven

Seconded by Councilman Huestis

Resolved: VanDeWater & VanDeWater was appointed as Counsel for the Planning Board.

Upon Roll Call Vote:

Councilman Denbaum – abstained, he recused himself from the process since the bids were submitted. .

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Councilwoman McGlasson – aye
Councilman Huestis – aye
Councilman Ruthven – aye
Supervisor Fleming – aye.
Motion carried

Resolution #190 - Appoint Counsel for the Zoning Board

On a motion by Councilman Ruthven
Seconded by
Resolved: Regenbaum Arciero McMillian & Burgess, P.C. was appointed counsel for the Zoning Board.
Upon Roll Call Vote:
Councilman Denbaum – abstained, he recused himself from the process since the bids were submitted.
Councilwoman McGlasson – aye
Councilman Huestis – aye
Councilman Ruthven – aye
Supervisor Fleming – aye.
Motion carried

Resolution #191 - Approval of Vouchers & Claims

On a motion by Councilman Huestis
Seconded by Councilwoman McGlasson

Resolved: All vouchers #200150214 - #200150410 and claims submitted by:

1.	Accela, Inc.	\$6,083.37	Renewal for Finance Software
2.	Aquatic Technologies, Inc.	\$7,167.50	Payment #2 for Lake Tibet Hydroraking
3.	Arkel Motors, Inc.	\$2,737.05	Auto Parts
4.	Terry Boalt	\$2,300.00	Library Sidewalk Repairs
5.	Builders First Source, Inc.	\$25,199.30	Building Material for Highway Garage
6.	Cemco Water	\$2,226.90	Monthly Operations: WD#1
7.	City Carting	\$6,819.96	Lake Carmel Garbage
		\$6,198.86	
8.	Custom Bandag, Inc.	\$3,982.48	Tires
9.	Hogan & Rossi	\$5,416.63	Legal Services: April 2019
10.	Jim Liebler, Inc.	\$12,300.00	Material Bin Roof: Final Payment
11.	Magna5	\$2,142.00	Telephone Services
		\$20,870.53	
12.	NYCOMCO	\$2,671.00	2 Way Radios: Police
13.	NYS Dept. of Civil Service	\$208,667.50	Health Insurance: April 2019
14.	Royal Carting	\$5,567.67	Recycling Garbage
15.	Spain Agency	\$66,791.81	Insurance Renewal Deposit
16.	United Uniform, LLC	\$8,722.80	Active Shooter Kits
17.	Windstream	\$3,642.58	Telephone Services

In the amount of \$488,142.14 may be paid.

Motion carried unanimously

RESOLUTION #192 - ADJOURN TO EXECUTIVE SESSION

On a motion by Supervisor Fleming
Seconded by Councilman Huestis
Resolved: The town board adjourned to executive session at 8:10 p.m. to discuss collective negotiations pursuant to article fourteen of the civil service law; and pending litigation.
Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli
Town Clerk

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Resolution # 193 - Amendment to Payroll Highway Department

On a motion by Councilman Denbaum
Seconded by Supervisor Fleming
Resolved: The Board resolved to amend the payroll record to eliminate overtime pay to Richard Saccomanno for mandatory drug testing.

At 9:48, Supervisor Fleming recused herself from consideration of the following Resolution, and left the meeting.

Resolution #194 - Retroactive Buyout for Certain NYSHIP Covered Employees

On a motion from Councilman Ruthven
Seconded by Councilman Huestis
Resolved: The Board resolved to pay fifty (50%) percent of the health insurance buyout amount to those employees who already receive NYSHIP benefits through a spouse, retroactively to July 1, 2016.

On a motion from Councilman Huestis, seconded by Councilwoman McGlasson, the meeting was adjourned at 9:52 p.m.

Respectfully submitted,

Nancy Tagliafierro