

TOWN BOARD MEETING/WORKSHOP MAY 16, 2017

A regular meeting was held on Tuesday May 2, 2017 at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York, 10512.

Resolution #197 - Adjourn to Executive Session

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: The Town Board opened the meeting and adjourned to Executive Session at 6:00 p.m. to discuss the matter leading to the appointment of a particular person or corporation and pending litigation.

Motion carried unanimously

Resolution #198 - Adjournment

On a motion by Councilman Huestis

Seconded by Councilman Chin

Resolved: Executive session adjourned at 7:15p.m.

Motion carried unanimously

Supervisor Fleming explained the board had an executive session; there were no votes taken.

Pledge of Allegiance- At 7:20 p.m. Supervisor Fleming called the Workshop Meeting to order with the Salute to the Flag.

Workshop Meeting

Annual Stormwater Presentation

Bruce Barber, the Stormwater Wetlands and Lake Consultant gave the annual presentation to comply with the Town's Stormwater MS4 permit requirement with the NYSDEC. The town entered into this agreement in 2003, in addition this year the town is subject to an interim progress report in how we are dealing with phosphorus. There are six minimum measures which he went into briefly. The full report will be available on the Town of Kent Website.

Anti- Sanctuary Town

Supervisor Fleming explained this is the third time this has been on the agenda for discussion and no consensus on how to proceed has been made. She read both proposed resolutions. Sheriff Don Smith thanked the board for allowing him to speak, he was asked by Legislator Toni Addonizio to speak not to advocate for any particular position but rather as a resource. In 2006 he hosted a state wide conference on this subject. Since then he continues to work on this issue. He explained how he and most in law enforcement have taken an oath to enforce the Laws of the Constitution and the State of New York. He explained most are concerned about criminal illegal immigrants. He said being in the country illegally is a civil violation of immigration law. Illegal aliens who have committed felonies and multiple misdemeanors are often allowed to stay, offend again making it less safe. He said Putnam has not been immune. He explained at the Putnam County Correction Facility is where the reporting is done, they report to ICE. Everyone, those detained, victims, and witnesses are treated with respect and dignity. He said it is the responsibility of government at every level is to keep the people safe. He thinks it is important for law enforcement to share and work together as a team. Supervisor Fleming thought the resolution proposed by Councilman Denbaum would have a chilling effect on any immigrant no matter what their status was of reporting a crime. They are excluded from protection from our police department. She thought the third paragraph, we will assist, we already do that no matter who asks. As the Sheriff stated we are not responsible for detention, and is a false statement, to say we are going to do this when it is not something we do is puffing. She said we do not need this resolution, we follow the law. She spoke to Sonia Thomas of ICE; she said ICE would never request that we provide them with immigration information. A number of emails were received opposing the resolution; residents spoke at the last meeting feeling it unnecessary. She does not think it is the job of the town board to make inaccurate political statements, she urged the board to let this be the last time this is discussed. Councilman Denbaum disagreed; he believes there is a lot of effort being made to derail the resolution. He thinks it is a hot topic throughout the state and country. The resolution points to criminal illegal immigrants. He is going to make a motion and ask for a second. He put what he believes on paper, he has received letters of support and opposition. He is satisfied with the resolution presented and does not want to change it. Councilman Chin said the intent of the resolution is not to victimize a victim, these illegal aliens hide behind those here legally. He believes being proactive will make residents feel safe. Councilwoman McGlasson stated we want to take a stand on how the board feels.

Public Comment – Mr. Papas a resident of Kent stated his point this evening is not about the previous discussion or the anti-sanctuary resolution. Based upon the discussion maybe the town board can take

a look at the community policing activities of the Police Department, evaluate the policies and procedures to try to get the Police Department to not wait until something gets to them but to see what the current best practices are and to be pro-active, ways to prevent crimes. He proposed the town board task the Kent Police Department to evaluate that.

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 Scott Chin – present	

Also Present: Town Clerk Yolanda Cappelli, Town Attorney Nancy Tagliafierro, Lieutenant Kevin Owens, Sheriff Don Smith, Co Chair of Recycling Sue Kotzur, Legislature Toni Addonizio, Recreation Director Lou Fernandez and 5 residents.

Resolution #199 - Planning Board Member Appointment

On a motion by Councilman Denbaum
Seconded by Councilwoman McGlasson

WHEREAS, there is currently a vacancy on the Town of Kent Planning Board; and

WHEREAS, the Town Board has interviewed two applicants for the vacant Planning Board seat and has found Stephen Wilhelm to be qualified to fill the vacant position; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby appoints Stephen Wilhelm to fill the vacancy on the Town Planning Board, for a term of January 1, 2017 through December 31, 2023.
Motion carried unanimously

Resolution #200 - Hiring Seasonal Park Workers- Recreation Department

On a motion by Councilman Denbaum
Seconded by Councilwoman McGlasson

WHEREAS, the Town of Kent is seeking to fill the positions for Seasonal Park Maintenance Worker in the Recreation and Parks Department; and

WHEREAS, the Director of Recreation has recommended hiring Christopher Belmonte and Stephen Finney to fill the positions; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Christopher Belmonte and Stephen Finney as Seasonal Park Maintenance Workers at the rate of \$9.70 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 #201 - Accept Quote for Kent Community Day Amusements

On a motion by Councilman Denbaum
Seconded by Councilman Chin

WHEREAS, the Town of Kent would like to have attractions at the 2017 Kent Community Day; and

WHEREAS, in accordance with the Town's Procurement Policy, the Town made requests for quotes for inflatable amusements for Kent Community Day, and received written quotes 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 lowest quote with the largest amount of inflatable amusements, in the amount of \$5,936, which amounts to a cost per amusement of \$593.60, which is the lowest cost per attraction; 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 \$5,936; 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 #202 - Anti- Sanctuary Town

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

Whereas, the Town of Kent seeks to make clear our commitment to the rule of law and the protection of our citizens and lawful residents from criminal behavior of illegal aliens;

Whereas, the public health, public safety and economic development requires cooperation between the community and law enforcement and cooperation between municipalities and federal law enforcement;

Therefore be it resolved that the Town of Kent shall assist and cooperative with any investigation, detention or arrest by an agency enforcing federal immigration laws and if requested disclose information regarding the citizenship or immigration status of any person to said agency.

Be it further resolved that the Town of Kent Chief of Police will still be vested with any and all authority and discretion necessary to cooperate with investigation

The Board took a poll vote as follows:

Councilman Denbaum – aye

Councilwoman McGlasson – aye

Councilman Huestis – aye

Councilman Chin - aye

Supervisor Fleming – nay and not because she does not support law enforcement or because she is not concerned about the residents of our town, but because this resolution has serious flaws and basically commits the town to doing things we have no authority or information to carry on, so since we cannot do what this resolution is tasking us to do, she votes no.

Motion carried

Resolution #203 - Appraiser for Boyd's Dam

On a motion by Councilman McGlasson

Seconded by Councilman Chin

WHEREAS, in connection with its defense of a certain tax certiorari proceeding entitled *In the Matter of City of New York v. Town of Kent et al.*, currently pending in the Supreme Court, State of New York, County of Putnam, the Town of Kent deems it necessary to obtain professional appraisal services to determine fair market value of the property which is the subject of said proceeding; and

WHEREAS, the Town Board has received a Proposal dated May 1, 2017 for an appraisal report and related services (the "Proposal") from Industrial & Utility Valuation Consultants, Inc. (the "Corporation"), a copy of which is annexed hereto and hereby made a part hereof; and

WHEREAS, contracts for professional services or services requiring special or technical skills, training or expertise where the fees will be less than \$20,000 are not subject to the competitive bidding requirements of the General Municipal Law and are also exempt from the Town's Procurement Policy, and the Proposal sets forth fees for the Corporation's professional services that are below, and are not anticipated to exceed, \$20,000; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the terms set forth in the Proposal annexed hereto for a sum not to exceed \$5,000; 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 in such form as is satisfactory to the Town Supervisor and the Town Attorney, and take whatever other actions may be necessary to give effect to this resolution
Motion carried unanimously

Resolution #204 - Release of Escrow Funds – Estate of Suozzi - TM#22.-2-17

On a motion by Councilwoman McGlasson
Seconded by Councilman Chin

WHEREAS, in connection with the development of the property located at Route 311, Carmel, New York and otherwise identified as Tax Map # 22.-2-17, \$180.87 posted by the owner of the property, the Estate of Andrew Suozzi, (the "Owner") remains in an escrow fund; and

WHEREAS, the Owner has requested a refund of the \$180.87 held in escrow because the property has been sold; and

WHEREAS, the Planning Board, at their meeting held on May 11, 2017, approved Resolution #8 of Year 2017 recommending the refund of the remaining \$180.87; and the Town Board wishes to follow the recommendation of the Planning Board;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the release of the \$180.87 from escrow to the Owner.
Motion carried unanimously

Resolution #205 - Accept Erosion Control Bond & Escrow Fund TM# 11.12-1-21

On a motion by Councilwoman McGlasson
Seconded by Councilman Chin

WHEREAS, the Planning Board, at their meeting held on May 11, 2017, approved Resolution #11 of Year 2017 recommending that the Town Board accept an Erosion Control Bond in the amount of \$17,401 and an Escrow Fund for an initial inspection fee in the amount of \$1,000 from the owner of land located at Daffodil Lane, Kent, New York 10512, identified as Tax Map No. 11.12-1-21 (the "Lot"); and

WHEREAS, the Town Board of the Town of Kent wishes to follow the recommendations of the Planning Board;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the recommendation of the Planning Board and approves the posting of an Erosion Control Bond in the amount of \$17,401 and the establishment of an Escrow Fund for an initial inspection fee in the amount of \$1,000.
Motion carried unanimously

Resolution #206 - Accept Contract for Metal Building for Kent Recycling

On a motion by Councilman Chin
Seconded by Supervisor Fleming

WHEREAS, the Town of Kent has determined there is a need for a new metal building for the Town of Kent Recycling Center; and

WHEREAS, because this is a specialized service, the Recycling Center obtained proposals from businesses which provide this service, and received three written proposals in response to such request, copies of which are annexed hereto and incorporated herein by reference; and

WHEREAS, Peak Construction has submitted the best value proposal dated May 1, 2017 in the amount of \$99,539.17; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the proposal submitted by Peak Construction;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the proposal of Peak Construction to build a new metal building for the price set forth on the proposal annexed hereto; 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 #207 - Contract for Cemetery Mowing

On a motion by Councilman Chin

Seconded by Supervisor Fleming

WHEREAS, the Town of Kent sought quotes for the mowing of Town of Kent cemeteries from three service providers; and

WHEREAS, Taconic Landscaping of Kent, New York submitted a bid in the amount of \$5,000.00 for providing this service for five (5) months and was the sole bidder; and

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby accepts the quote of Taconic Landscaping for the mowing of Town of Kent cemeteries in the amount of \$5,000 for a five month period; and it is

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.

Motion carried unanimously

Resolution #208 – Add Item to Agenda

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: Authorizing funds for Planning and Engineering regarding grants.

Motion carried unanimously

Resolution #209 – Authorizing Funds for Planning & Engineering for Grants

On a motion by Supervisor Fleming

Seconded by Councilman Chin

Resolved: The cap of \$4,000 was authorized to be spent on planning and engineering for water grants. Professional Services provided by Bruce Barber the Towns Stormwater & Wetland's consultant, Neil Wilson Town Planning Consultant and Julie Mangarillo, Planning Engineer.

Motion carried unanimously

Resolution #210 - Approval of Vouchers and Claims

On a motion by Councilman Huestis

Seconded by Councilman Chin

Resolved: All vouchers #200141916 - #20014229 and claims submitted by:

1. Advanced Heating & Air Conditioning \$8,500.00 Deposit: Furnaces

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2. Auto Craft Body & Collision	\$3,282.35	Highway Truck
3. Cemco Water	\$2,999.30	Leak Repair: WD#2
4. City Carting	\$7,411.16	Lake Carmel Garbage
	\$5,084.70	
5. Commercial Instruments & Alarm	\$24,050.00	Deposit Video Surveillance
6. Extreme Signs & Apparel	\$5,427.80	Jerseys/Pants
7. Heritagenergy	\$3,552.86	Diesel
8. Hogan & Rossi	\$5,416.63	Legal Service
9. Island Tech Services	\$9,090.00	Toughbooks and Docks
10. Long Island Sanitation Equipment	\$6,683.03	Sweeper Parts
11. NYS Dept. of Civil Service	202,814.78	Health Insurance
12. Robert Green Truck Division	\$3,210.34	Truck Parts
13. Royal Carting	\$5,048.28	Recycling Garbage
14. Spain Agency	\$84,953.49	Installment
15. State Comptroller	\$38,734.00	Justice Court: Fines & Fees
16. Tire Buys	\$2,753.93	Tires
17. Town of Kent Municipal Repairs	\$11,018.39	Chargeback's: Highway
18. Windstream	\$4,047.81	Telephone Service

In the amount of \$478,401.16 may be paid.

Motion carried unanimously

Correspondence – list attached

Public Comment – There was none

Resolution #211 - Adjournment

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: The Town Board meeting of May 16, 2017 adjourned at 9:20 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli
Town Clerk