

TOWN BOARD MEETING OCTOBER 2, 2018

A regular meeting was held on Tuesday October 2, 2018 at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York, 10512.

Resolution #348 - Adjourn to Executive Session

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The town board adjourned to executive session at 6:20 p.m. to discuss the medical, financial, credit or employment history of a particular person or corporation and current litigation.

Motion carried unanimously

Resolution #349 - Adjourn Executive Session

On a motion by Councilwoman McGlasson

Seconded by Councilwoman Woolley

Resolved: Executive session adjourned at 7:05 p.m. no action was taken.

Motion carried unanimously

Resolution #350 - Open Public Hearing – Demolition of 278 Lakeshore Drive East

On a motion by Supervisor Fleming

Seconded by Councilwoman Woolley

Resolved: The public hearing on the demolition of 278 Lakeshore Drive East was opened.

Motion carried unanimously

Building Inspector Walters explained to the board this is an older building at the end of the lake near Beach 4. There is a large tree on the roof from the storm of May 15th. The building has been vacant for 12 years. The town has worked with the owner periodically to keep the grass mowed. He said the owner has been negligent in keeping the building maintained, it is in disrepair, there is a hole in the roof, the door is buckled, it is unsafe and needs to come down. He said this home has been on Councilman Huestis list and theirs. He has written several violations for maintenance. The owner has done the bare minimal, the home had belonged to her parents. The owner has said it is bank owned but according to records she is the owner. Town Counsel said she has been personally served with the notice by a process server. Councilman Huestis appreciated the work he is doing. He handed him a list of 105 distressed homes. Since than 43 have been verified vacant and abandoned “zombie homes”. Some have been demolished some flipped. Some have been held hostage by the banks and lenders, he has been unsuccessful in obtaining funding by the settlement accounts. He said more homes are being foreclosed there has to be change. He said people have been trying to buy a bank owned home on Marie Road that has been vacant for over 5 years. Building Inspector said a list of 82 abandoned homes have been entered into his database for periodic inspection.

There were no additional comments.

Resolution #351 - Adjourn Public Hearing – Demolition of 278 Lakeshore Drive East

On a motion by Supervisor Fleming

Seconded by Councilwoman Woolley

Resolved: The public hearing on the demolition of 278 Lakeshore Drive East was adjourned until the next meeting of October 23, 2018.

Motion carried unanimously

Resolution #352 - Open Public Hearing – Demolition of 24-26 Whangtown Road

On a motion by Supervisor Fleming

Seconded by Councilwoman Woolley

Building Inspector Walters explained the barn in question is 24 Whangtown Road, this buildings stability has been decreasing in years, the May tornado has added to its demise. He has received a letter from the Homeowner's Association. He said with the wall opened up you can see inside; all the center beams have collapsed and rotten, the roof is deteriorating. It is unstable. He said children live in the area and entering is tempting. Mr. George LaFranchi, owner of the barn stated he is a resident for 36 years and has owned the barn for 23 years. He purchased the property to prevent further development. He said it has been a struggle, probably losing money on the place over the years. He just made a partial school tax payment as it is \$6,000.00. He received a notice from the town he believes is inaccurate. He said the structure right now cannot be used it has problems. He said he has checked with the tenants and the structure is not infested with rats or mice as described in the letter received that the barn is a place of rodent infestation. He said #3 if it is a fire hazard; if it is a fire hazard now it was a fire hazard since it was built in 1840 one reason he is trying to keep it up. There was a leak in the roof causing the beams to rot, needing replacement. He said the beams inside not facing the outside wall are not rotten. It can be

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repaired but it will be costly according to the estimates. He said the premise is laden with debris, he said the tenants have some toys and car parts are in the yard. He said the kids and tenants know not to go into the barn they would be trespassing. Supervisor Fleming asked Mr. LaFranchi about the notice received on August 20th that went along with the notice of public hearing. It states the building was inspected on June 19th and you were given an Order to Remedy that he received on June 28th giving him 30 days to respond and the August 20th letter giving him to September 20th to either secure or remove the building. Mr. LaFranchi replied he only received the notice from June and the hand delivered notice dated September 20th. He has received estimates they are very expensive he is still shopping around. He has not spoken to the Building Inspector he works six days a week, working two jobs, he doesn't have a lot of free time. Supervisor Fleming it has been over three months and you have not made any contact with the Building Inspector. Town Counsel asked if he had inspection or engineering reports that refute the building inspector's conclusion that it is a dangerous structure. Mr. LaFranchi replied no. Town Counsel asked what proof you have to offer the board that it does not need to come down for the neighborhood safety. Mr. LaFranchi replied it has been there since 1840, it has been unsafe since the tornado blew some of the siding off, he does not know why it's unsafe, who is going to come there, unless they are trespassing. His reply to securing the barn is that it is locked. Mr. LaFranchi said he does not go in there anymore, he is trying to get it fixed, how is it dangerous unless you are trespassing and burglarizing the premises. He gave the definition of burglary. Town Counsel said your tenants could enter there, there is a concept called attractive nuisance. Councilman Huestis verified that Mr. LaFranchi was before the board a number of years ago for a shed. He said the barn is a major eyesore, dangerous and an attraction for kids, we do not any fatalities. It needs to be cleaned up, it has gotten worse, and he will support the Building Inspector and understands his efforts. He recalls that you were going to improve everything. Building Inspector explained the condition of the building is a shelter for rodents. Supervisor Fleming asked if there is even a way this structure could be made safe. Building Inspector replied not that he sees, you would need an engineer and a lot of work. The center beam is rotten away, the supports that attach to the walls have collapsed, the roof has been going for a few years, and the concrete wall is deteriorated because of the weeds and ivy. Mr. LaFranchi was advised that if he didn't maintain the barn it was going to get to this point. Councilman Denbaum found it very hard to tell another man what to do with his property, he is here pleading for his barn, he is trying to pay his taxes, maybe it is a different ideology but to sit here as the government and tell someone you have to take your barn down, strikes him as something he will have trouble sleeping with. He may be in the minority and the practically wrong decision but there are many homes in the Town of Kent in need of this conversation and he has a constituent that is saying he is trying and wants to keep his barn he cannot think of any reason other than possibly safety of others. He said safety is more important than liberty these days and is a dangerous slope. Councilman Huestis urged his colleagues to drive down Whangtown Road, it is in dangerous shape. Supervisor Fleming said this will be adjourned to October 23rd which will give you an opportunity to consult with someone about the structural soundness of the barn. Mr. LaFranchi thought he had 30 days to get work started. Town Counsel concurred. Supervisor Fleming explained a decision will not be made tonight. Mr. LaFranchi appreciated that and the sentiments of Councilman Denbaum, he rejects things in the letter that are add on.

Resolution#353 - Adjourn the Public Hearing – Demolition of 24-26 Whangtown Road

On a motion by Supervisor Fleming

Seconded by Councilwoman Woolley

Resolved: The public hearing on the demolition of 24-26 Whangtown Road was adjourned until the next meeting of October 23, 2018.

Motion carried unanimously

P pledge of Allegiance Supervisor Fleming called the Workshop Meeting to order with the Salute to the Flag.

Kent CAC –Honoring Dave Ehnebuske

Supervisor Fleming stated Dave Ehnebuske has been a terrific volunteer for many years. He has served on the Kent Conservation Advisory Committee. He writes beautifully about nature experiences and has helped in so many ways and areas as with our website. He is leaving not only leaving the CAC but Kent. Chairperson of the Kent CAC Beth Herr stated there have been giants before us when in 1976 the Town Code was changed to allow for a Conservation Committee there have been giants before us mentioning Ray Singer, Dr. Tom Morgan, George Baum, Jim and Wilma Baker. She said Dave will join the giants; they are bereft as he brings so much. Present tonight are member of the Kent CAC as those from the Kent Library. She stated both Dave and his wife Jean were advocates of the Library, working behind the scenes making trips to Albany. She said he was always available for the hikes, a master technician; he was able to obtain an engineer report for the Fire Tower and physically replaced the stairs and cabin. He worked on the 10 the Anniversary Celebration. He hiked all the trails in the Town with a GPS and put those co ordinates creating maps that people can download. They will be available on a popular app called Avendus. He also went through the process with the IRS availing us the Kent Conservation

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Foundation; we have the availability to raise funds and support conservation projects thanks to Dave. Carol Donick Director of the Kent Library said David has been active with the library for over 20 years throughout the Putnam County Library Association visiting Albany lobbying for libraries helping them in many practical ways. She will think of him when she sees the signs on their walls for floor plan dictating the emergency exits. She said that is one of many things he has done for the Kent Library and thanked him. Councilman Denbaum met Dave six years through Kent Fiscal Watch discussing big issues and how to change them. He said Dave was a major contributor to that, he got involved with politics through those discussions and meetings, and thanked him for that. Dave is good at lot of things. Ms. Herr agreed Dave is a visionary person, we are losing someone but Washington State is gaining someone fabulous. There was a round of applause. Supervisor Fleming gave Dave a Certificate of Appreciation. Dave thanked her added that he has lived in the Town of Kent longer than he has lived anywhere else in his life and he has lived a lot of places. He thanked everyone very much.

Public Comment

Sue Kotzur, resident of Kent thought the Huestis Park Paving is great it is going to look wonderful. She was concerned about the parking lot at the Kent Historical Site where the Tag Sale is taking place. It is a trip and fall situation, the building and property is in disrepair. She suggested if you are thinking about paving anything else in town it might be a place to start for the community. Councilman Huestis thought it an eyesore. He is working on something but they do not qualify because of their status. He recalled an application submitted 20 years ago being reviewed but halted due to 911. He is working on Plan A being a grant and Plan B could be some on the trades people taking this on as community service.

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
Councilwoman Woolley – present	

Also Present: Town Clerk Yolanda Cappelli, Chief Kevin Owens, and Co-Chairpersons of Recycling Sue Kotzur, Town Attorney Nancy Tagliafierro, Chairperson of the CAC Beth Herr and the Library Director Carol Donick.

Resolution #354 - Authorizing Accepting Donation for the Lake Carmel Tree Planting Initiative

On a motion by Councilman Denbaum
Seconded by Councilwoman McGlasson

WHEREAS, by Resolution dated July 24, 2018, the Town Board authorized the establishment of a trust fund to hold donations received on behalf of the Lake Carmel Tree Planting Initiative; and

WHEREAS, the Town of Kent has received a donation from Charles and Grace Sisto in honor of Jessie Huestis in the amount of \$50; and

WHEREAS, the Town wishes to accept the donation, with gratitude, to be held in the trust as set forth above.

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby accepts the donation in honor of Jessie Huestis with thanks to Charles and Grace Sisto for their generosity; 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 #355 - Add Item to the Agenda

On a motion by Councilman Denbaum
Seconded by Councilman Huestis
Resolved: Lake Tibet Park District was added to the agenda.
Motion carried unanimously

Resolution #356 - Accept Harvesting Proposal for Lake Tibet

On a motion by Councilman Denbaum
Seconded by Councilwoman Woolley
Resolved: The Lake Tibet Park District is authorized to engage the low bid received from Solitude Lake Management to harvest the weeds in the amount not to exceed \$12,250 to be performed mid October 2018.
Motion carried unanimously

Authorizing Stop Signs on Dingley Road – Tabled

Resolution #357 - Authorizing Release of Erosion Control Bonds

On a motion by Councilwoman McGlasson

Seconded by Councilwoman Woolley

WHEREAS, following a request by the owners of the properties, the Planning Board, at their meeting held on September 27, 2018, approved Resolution Nos. 14 and 15 of Year 2018 recommending the release of the erosion control bonds on the following properties in the following amounts:

<u>Address:</u>	<u>Tax Map No.</u>	<u>Bond Release</u>
8 Grasslands Road	33.73-1-53 and 54	\$ 4,082.00
5 Rockwood Road	33.51-1-10	\$ 2,826.00

; 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 authorizes the release of the erosion control bonds on the above referenced properties in the above referenced amounts.

Motion carried unanimously

Resolution #358 - Authorizing Paving of Huestis Park by Intercounty Paving Co.

On a motion by Councilwoman McGlasson

Seconded by Councilwoman Woolley

WHEREAS, by letter dated October 1, 2018, Jared Kuczenski, the Acting Director of Recreation and Parks, forwarded a proposal from Intercounty Paving Co. to level and pave the entrance to Huestis Park for a cost not to exceed \$33,811.32; and

WHEREAS, according to Mr. Kuczenski he requested quotes from three other companies to provide such services and received no proposals in response;

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 \$33,811.32; 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 #359 - Set Public Hearing for Fire Protection with Lake Carmel Fire Department

On a motion by Councilwoman Woolley

Seconded by Councilman Denbaum

WHEREAS, the Kent Town Board has negotiated for fire protection services with the Lake Carmel Fire Department for calendar years 2019 and 2020, a copy of said contract is not annexed hereto and will be provided to the public upon receipt; and

WHEREAS, the Town Board wishes to set a public hearing on the aforementioned contract.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby sets a public hearing on said contract at the Town Hall, in the Town of Kent, New York at 7:00 p.m. on October 23, 2018; and

BE IT FURTHER RESOLVED, that the Town 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.

Motion carried unanimously

Resolution #360 – Add Approval of Vouchers and Claims

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: Approval of Vouchers was added to the agenda.

Motion carried unanimously

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Resolution #361 – Approve All Vouchers and claims

On a motion by Councilman Huestis

Seconded by Councilwoman Woolley

Resolved: All Vouchers #200147910 – 200148000 and claims submitted by:

1. Comp Alliance	\$17,880.65	Annual Assessment
2. Danbury Auto Spring	\$4,809.52	Sanitation Truck Repair
3. G&M Construction	\$68,320.00	Lake Carmel Dam Remediation
4. Larry Reynolds Tree Service	\$2,200.00	Tree Removal
5. Lewis & Greer, P.C.	\$2,640.50	Special Counsel
6. New England Uniform Co.	\$2,073.00	New Police Uniform
7. NYS Dept of Civil Service	\$214,876.67	Sept Health Insurance
8. Purchase Power	\$2,000.00	Postage
9. Royal Carting	\$4,408.29	Recycling Garbage

In the amount of \$366,503.21 may be paid.

Motion carried unanimously

Public Comment

There was none.

Resolution #362 - Adjournment

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: The town board meeting of October 2, 2018 adjourned at 8:25 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli
Town Clerk