

A regular meeting was held on Tuesday, December 1, 2015, at 6:30 p.m. at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York, 10512.

Resolution #360- Open Meeting & Adjourn to Executive Session

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: The meeting of December 1, 2015 opened at 6:30 p.m. and immediately adjourned to executive session to discuss collective negotiations pursuant to article fourteen of the Civil Service Law.

Motion carried unanimously

Resolution #361- Adjourn Executive Session

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: At 7:23 p.m. executive session adjourned, no action was taken.

Motion carried unanimously.

Resolution #362 - Open Public Hearing – Amendment to Town Code 14-12 – Health Insurance for Public Officials

Supervisor Fleming stated the public hearing is on an Amendment to Town Code Section 14-12 Health Insurance for Public Officials. The section is entitled money in lieu of health insurance. She read the revised law to those present.

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The public hearing on the Local Law #3/2015 was opened.

Motion carried unanimously.

There were no comments from the town board or the public on the proposed amendment.

Resolution #363 - Close Public Hearing on Amendment to Town Code Ch 14-12

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: The public hearing on Local Law #3/2015 was closed.

Motion carried unanimously.

Workshop

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

Public Comment

There was none.

Pledge of Allegiance

At 8:30 p.m. the Supervisor called the meeting to order with Salute to the Flag.

Roll Call

Supervisor Maureen Fleming – present

Councilman Paul Denbaum – present

Councilwoman Penny Osborn – present

Councilman Bill Huestis – present

Councilman Mike Tierney –present

Also Present: Town Clerk Yolanda "Lana" Cappelli, Town Counsel Nancy Tagliafierro of Hogan & Rossi, Highway Superintendent Rich Othmer, Lieutenant Kevin Owens, Building Inspector Bill Walters, Recycling Co-Chairperson Sue Kotzur, Wetlands and Stormwater Consultant Bruce Barber and Director of Putnam County Veterans Service Agency Karl Rohde.

Resolution #364 - Adopt East of Hudson O & M Policy

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

Whereas, the Town of Kent is a member of the East of Hudson Watershed Corporation ("EOHWC"), a not-for-profit local development corporation formed to assist the member municipalities in complying with the stormwater retrofit requirements of the Municipal Separate Storm Sewer System Permit (MS4 Permit); and

Whereas, EOHWC has installed and will continue to install stormwater retrofit projects (SRPs) or has reimbursed member municipalities for installing SRPs in compliance with the first five-year Regional Stormwater Retrofit Plan and intends to do so for the second five-year plan to the extent funding is provided by New York City Department of Environmental Protection (DEP);and

Whereas, the MS4 Permit required member municipalities to maintain each SRP for its useful life to ensure that it continues to operate as it was designed, and

Whereas, the Board of Directors of EOHWC has adopted an O&M Policy providing for the equitable sharing of the costs and responsibilities of O&M by all member municipalities in a manner consistent with the MS4 Permit bubble compliance concept, conditioned on the legislative body of each member municipality agreeing to comply with the terms and conditions of the O&M Policy; and

Whereas, approval of the O&M Policy is a Type II action exempt from the State Environmental Quality Review Act (SEQR) under 6 NYCRR 617.5(c)(1) as it relates to the routine maintenance of the SRPs; and

Whereas, approval of the O&M Policy is in the best interests of the Town of Kent as it assures, continued compliance by the Town with the MS4 Permit;

Now therefore it is hereby resolved by the Town Board of the Town of Kent that;

1. The Town of Kent accepts and agrees to the terms and conditions of the EOHWC O & M Policy; and

2. Authorized the Supervisor Maureen Fleming to take whatever actions are required to implement this resolution.

Upon Roll Call Vote

Councilman Denbaum- nay

Councilwoman Osborn – aye

Councilman Huestis – aye

Councilman Tierney – aye

Supervisor Fleming – aye

Motion carried

Resolution #365 - Accepting Resignation of Records Management Clerk

On a motion by Councilman Denbaum

Seconded by Supervisor Fleming

WHEREAS, the Town of Kent wishes to accept the resignation of Judith Anne O'Malley as Town Records Management Clerk effective as of the 25th of November 2015 and;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts the resignation of Judith O'Malley; 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, consistent with the terms hereof and in such form as is satisfactory to the Town Supervisor and the Town Attorney.

Motion carried unanimously

Resolution #366 - Authorizing Release of Erosion Control Bond – Chaung Yen Monastery/Buddhist Association of United States - TM#19.1-1-40.1

On a motion by Councilwoman Osborn

Seconded by Supervisor Fleming

WHEREAS, Debra Adamson on behalf of the Chaung Yen Monastery/The Buddhist Association of the United States (the "Owner") owns a parcel of land at 2020 Route 301, Kent, New York 10512, identified as Tax Map No. 19.1-1-40.1 (the "Lot"); and

WHEREAS, the Owner posted a bond for erosion control to the Town of Kent in the amount of \$16,844; and

WHEREAS, the Owner has submitted a request that the erosion control bond be released; and

WHEREAS, the Planning Board, at their meeting held on November 12, 2015, approved Resolution #10 of Year 2015 recommending the release of the erosion control bond; and

WHEREAS, the Town Board of the Town of Kent 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 erosion control bond in the amount of \$16,844; 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, consistent with the terms hereof and in such form as is satisfactory to the Town Supervisor and the Town Attorney.
Motion carried unanimously

Resolution #367 - Authorizing Release of Erosion Control Bond- Stephen Fichter – TM#21.13-1-25

On a motion by Councilwoman Osborn

Seconded by Supervisor Fleming

WHEREAS, Stephen Fichter (the "Owner") owns a parcel of land at Beach Court, Kent, New York 10512, identified as Tax Map No. 21.13-1-25 (the "Lot"); and

WHEREAS, the Owner posted a bond for erosion control to the Town of Kent in the amount of \$7,725; and

WHEREAS, the Owner has submitted a request that the erosion control bond be released; and

WHEREAS, the Planning Board, at their meeting held on November 12, 2015, approved Resolution #11 of Year 2015 recommending the release of the erosion control bond; and

WHEREAS, the Town Board of the Town of Kent 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 erosion control bond in the amount of \$7,725; 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, consistent with the terms hereof and in such form as is satisfactory to the Town Supervisor and the Town Attorney.
Motion carried unanimously

Resolution #368 - Hire Fire Inspector

On a motion by Councilman Tierney

Seconded by Councilwoman Osborn

WHEREAS, the Town of Kent wishes to hire a Fire Inspector; and

WHEREAS, the Town posted for applications for the position of Fire Inspector and received three (3) applications from residents of the Town of Kent; and

WHEREAS, of the three (3) applications Nick Cecere is the only applicant with current certifications for NYS Building and Fire Codes; and

WHEREAS, the Town Building Inspector recommends the hiring of Nick Cecere as Fire Inspector; and

WHEREAS, the Town Board wishes to accept the recommendation of the Building Inspector and hire Nick Cecere;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Nick Cecere as Fire Inspector for the Town at the rate of the current Fire Inspector \$21.43 per hour,

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 #369 - Authorizing Contract with Genserve Inc.

On a motion by Councilman Tierney

Seconded by Councilman Huestis

WHEREAS, the Town of Kent desires to enter into a service maintenance agreement to maintain the generators at the Town Hall, Police Department, Kent Highway Department, and Water District #1; and

WHEREAS, GenServe Inc. has provided such services in two different plans the "A" Service and the "B" Service; and

WHEREAS, by Resolution #355 adopted on November 17, 2015 the Town Board authorized the Town Supervisor to enter into a service maintenance agreement with GenServe Inc. for a three year annual cost of \$5,230 per year based upon the "A" Service ; and

WHEREAS, the Town Board wishes to rescind Resolution #355 authorizing the Town Supervisor to enter into a service maintenance agreement based upon the "A" Service; and

WHEREAS, the Town believes it to be in the best interest of the Town to accept the GenServe Inc. proposal at a yearly cost of \$6,975. Which includes both the "A" & "B" Service,

NOW, THEREFORE, BE IT RESOLVED, that Resolution #355 is hereby rescinded; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby accepts the proposal of GenServe Inc. at an annual cost of \$6,975; 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 # 370 – Add to the Agenda

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: Voting on the Teamster Local 456 IBT and Town of Kent Contract, the Kent PBA and Town of Kent Contract, the Kent Dispatchers and Town of Kent Contract and to adopt Local Law #3/2015 were added to the Agenda.

Motion carried unanimously

Resolution #371 – Local Law #3/2015

On a motion by Supervisor Fleming

Seconded by Councilman Denbaum

Resolved: Local Law #3/2015 Amendment to Ch. 14 was adopted.

TOWN OF KENT
AMENDMENT TO

CHAPTER 14 OF THE KENT TOWN CODE

BE IT ENACTED by the Town Board of the Town of Kent, Putnam County, New York, as follows:

Section 1. Chapter 14 Entitled "Personnel Regulations" is hereby amended to read as follows:

§ 14-12. Money in lieu of health insurance.

A. Commencing with the election of newly elected part time officials for the 2016 term, only—[F]full-time Town employees and full-time elected officials, specifically the Town Supervisor, the Highway Superintendent and the Town Clerk, are eligible for health insurance coverage paid for, in part, by the Town. Any such eligible employee or elected official shall have the option of either receiving Town-paid health insurance or money in lieu of health insurance coverage, which compensation shall be paid as follows: An employee or elected official who qualifies for family coverage shall be entitled to receive payment of [~~\$2,000~~] \$2,400 per year; an employee or elected official who qualifies for single coverage shall be entitle to receive payment of [~~\$1,000~~] \$1,200 per year.

B. The decision of whether or not an eligible employee or eligible elected official chooses to be paid money in lieu of health insurance must be communicated to the Town Supervisor, in writing, no later than December 15 of the year prior to the year such choice is to take effect. Payment of such money in lieu of health insurance shall be made at the end of each quarter.

C. Any eligible employee or eligible elected official having chosen to opt out of the Town health insurance plan shall also have the right to be reinstated in the plan, upon 30 days' prior written notice to the Town Supervisor, and a pro rated settlement of that quarter shall be made. Such reinstatement will take effect on the first day of the month following the date that written notice is approved and accepted by the Town Board.

Section 2. This local law shall take effect immediately.

The board took a poll vote as follows:

Councilman Denbaum – aye Councilwoman Osborn – aye

Councilman Huestis – aye Councilman Tierney – nay

Supervisor Fleming – aye

Motion carried

Resolution #372 – Teamster Contract between Town of Kent & Local 456 IBOT

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The proposed contract between the Town of Kent and Local 456 of the International Brotherhood of Teamsters as presented to the Town Board was accepted. Effective January 1, 2015 through December 31, 2018. Changes in Article, III, IV, VIII with hourly pay increases for the year 2015 at 2%, 2016 at 2%, 2017 at 2% and 2018 at 2.25%; a health care reopener and the ability of the Town to offer alternative health care have been agreed to.

Upon Roll Call Vote

Councilman Denbaum- nay

Councilwoman Osborn – aye

Councilman Huestis – aye

Councilman Tierney – aye

Supervisor Fleming – aye

Motion carried

Resolution #373 –Contract between Town of Kent and the Kent PBA

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: The proposed contract between the Town of Kent and the Kent PBA was accepted. Effective January 1, 2015 through December 31, 2018. Changes to Article IV, VI, XII, XIX, XXII, XXV as discussed. Salary increases for the year 2015 at 1.75%, 2016 at 1.75%, 2017 at 2% and 2018 at 2.25%.

Upon Roll Call Vote

Councilman Denbaum- aye

Councilwoman Osborn – aye

Councilman Huestis – abstain

Councilman Tierney – aye

Supervisor Fleming – aye

Motion carried

Resolution #374 –Contract between Town of Kent and Town of Kent Dispatchers

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The proposed contract between the Town of Kent and the Town of Kent Dispatchers was accepted. Effective January 1, 2015 through December 31, 2018. Salary increases for the year 2015 at 1.75%, 2016 at 1.75%, 2017 at 2% and 2018 at 2.25%.

Motion carried unanimously.

Resolution #375 - Approve Vouchers & Claims

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: All vouchers #200135598 - #200135784 and claims submitted by:

1. Joseph Charbonneau, Esq.	\$2,709.00	Prosecutor October 2015
2. City Carting	\$4,745.27	Lake Carmel Garbage
	\$5,337.79	
3. Timothy J. Curtiss, P.C.	\$3,213.00	July-Sept-Traffic K. Irwin
	\$6,592.50	April-Aug Traffic L. Roberts
	\$2,591.25	October General
4. Danbury Auto Spring	\$3,310.63	Sanitation Truck #17
5. Hogan & Rossi	\$5,416.63	Legal Services December
6. Home Depot	\$2,743.20	Leaf Bags
7. Ingersoll Auto	\$2,460.47	Auto Parts
	\$3,258.24	
8. Insite Engineering	\$4,526.80	Salt Shed
9. KVS	\$2,736.08	Quarterly Installment
10. Morton Salt	\$14,964.90	Salt
11. NYS Dept of Civil Service	\$175,347.19	Health Insurance November
12. State Comptroller	\$35,134.00	Justice Court Fines & Fees
13. Town of Kent Municipal Repairs	\$14,633.83	Chargebacks: Highway

In the amount of \$326,606.46 may be paid.

Motion carried unanimously

Public Comment

There was none.

Resolution #376 - Adjournment

On a motion by Supervisor Fleming

Seconded by Councilwoman Osborn

Resolved: The Town Board meeting of December 1, 2015 adjourned at 8:51 p.m.

Motion carried unanimously.

Cordially submitted,

Yolanda D. Cappelli
Town Clerk