

**Town of North Hudson**  
**Special Board Meeting**  
**Wednesday May 12, 2021**  
**1:30p.m.**

Present were Supervisor Stephanie DeZalia, Councilman Marshall Gero, Councilman Robert Dobie, Councilwoman Maureen Marsden, Councilman Brian Caza and Town Clerk Martha King.

Guests attending were present were Tracee and Jake Parent, Emmett Thompson, Ken and Thelma Foster, and Chris Clark.

Supervisor DeZalia called the special Board meeting to order at 1:30 pm and led in the salute to the Flag.

Supervisor DeZalia addressed the Board stating that the Town Clerk has received a letter of resignation from Highway Superintendent Kevin Duntley dated May 3, 2021 effective of May 3, 2021.

**Resolution # 44 of 2021**

**RESOLUTION OF APPRECIATION and SUPPORT**

The following resolution was offered up by Supervisor DeZalia who moved for its adoption.

**Whereas**, the Town of North Hudson hereby acknowledges it has been fortunate to have a dedicated Highway Superintendent committed to the mission of Public Safety, and

**Whereas**, Kevin Duntley has now embarked on a new position away from the Town of North Hudson, and

**Whereas**, we, as members of the Town of North Hudson Town Board wish to extend our utmost appreciation for the work that he has done in keeping our roads safe for our community and visiting travelers, and his exemplary public service, and

**Whereas**, the Board wishes to extend our sincere best wishes for every happiness in the future of Kevin Duntley,

**Now Therefore Be It Resolved**, that the Town Board of North Hudson hereby recognizes and appreciates the service of Kevin Duntley upon his departure as Highway Superintendent, and wishes him well in all future endeavors, further, that this resolution of Appreciation and Support be duly recorded and spread across the minutes of the Town Board of North Hudson on this 12<sup>th</sup> day of May 2021.

Unanimously seconded.

Pursuant to §64 (5) of Town Law:

*“Town Law 64 § 5- Vacancies. Whenever a vacancy shall occur or exist in any town office, the town board or a majority of the members thereof, may appoint a qualified person to fill the vacancy. If the appointment be made to fill a vacancy in an appointive office, the person so appointed shall hold office for the remainder of the unexpired term. If the appointment be made to fill a vacancy in an elective office, the person so appointed shall hold office until the commencement of the calendar year next succeeding the first annual election at which the vacancy may be filled...”*

*Per Election Law §ELN- 6-158 - If an elected town officer resigns or vacates office prior to September 20, the vacancy is filled by appointment for the balance of the year, and a successor is elected at the General Election in November.*

Supervisor DeZalia made the following statement:

*“I officially hereby put forth the name of Kenneth Foster for the interim appointment of the position of Highway Superintendent. Ken has been with the Highway Department for over 12 years and has been a dedicated employee. Ken came to me with a willingness to take on the position and has stated his willingness to run for the office. Ken has recently held the position as Deputy Highway Superintendent and has acted in the absence of the Superintendent. Much of my support for Ken comes down to the fact that he is the Senior member of the Department, he has done his time and has been passed over in past years for deputy positions to new incoming crew members. I think back to the time my husband Kelly spent at the Highway Department and of his two runs for the office of Highway Superintendent and what advice he might give me at this moment.... And I 100% know what advice he would give... He'd say “it belongs to Kenny, he deserves it. He's an amazing trainer and truck driver.” Kenny was really good to Kelly before, during and after his time on the Highway Department. And for these reasons among others I hereby offer Kenneth Foster's name as the appointee as new Interim Highway Superintendent for the term to end December 31, 2021. With a salary set forth and appropriated in our 2021 budget, pro-rated from this date forward. As set forth in law, the Town Board cannot decrease or increase the salary of an elected officer in the middle of his/her term of office except by the adoption of a local law subject to a mandatory referendum.”*

She then asked the Board if they had anything further to offer.

Councilman Gero spoke and said that he deserves it and is 100% in support of Kenny.

Councilman Caza also spoke and stated he also was 100% in support of Kenny, however, he wanted to make sure that Kenny understood that he would no longer be an hourly highway department employee and that should he not be elected in November he would have to reapply for a position at the Highway Department.

Ken Foster acknowledged this and said he understood.

## **Resolution # 45 of 2021**

The Town of North Hudson Town Board hereby appoints Kenneth Foster to fill the vacant position of Highway Superintendent term to end December 31, 2021 at a prorated amount from this date forward.

Motion by Councilman Brian Caza with a unanimous second.

Roll call:

Councilman Marshall Gero- Aye  
Councilman Robert Dobie - Aye  
Councilwoman Maureen Marsden- Aye  
Supervisor Stephanie DeZalia - Aye  
Councilman Brian Caza- Aye

Discussion:

Councilman Dobie spoke about the salary. He stated the salary was based on the amount of time and work Kevin did and he believes it is very high. Councilman Caza stated he would want to see Ken get overtime for extra time spent plowing if the salary was lowered. Supervisor DeZalia stated the salary for this position will be looked at at budget time and be discussed at that time.

The Oath of Office was administered to Kenneth Foster by the Town Clerk Martha M. King.

Verbal congratulations were given to Ken by members of the Board and all those in attendance.

Ken was informed that he must appoint a Deputy Highway Superintendent within 5 work days and that person will need to be sworn in by the Town Clerk.

**Privilege of the Floor**

Emmett Thompson spoke and said he was “glad Kenny got it. “

Jake Parent also stated he was” glad Ken got it”.

Chris Clark addressed the Board with a request to meet briefly with the Highway Committee. The committee agreed to speak with him after the Board meeting was over. The Committee agreed to meet briefly with him.

Motion to adjourn Supervisor DeZalia second by Councilman Dobie.

Meeting adjourned at 1:40pm

Respectfully Submitted

Martha M King

Town Clerk