

**KENNETH SCHMITT**  
Town Supervisor

**TOWN OF CARMEL**  
TOWN HALL

**ANN SPOFFORD**  
Town Clerk

**SUZANNE MC DONOUGH**  
Town Councilwoman  
Deputy Supervisor

60 McAlpin Avenue  
Mahopac, New York 10541  
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**KATHLEEN KRAUS**  
Receiver of Taxes

**MICHAEL A. BARILE**  
Town Councilman  
**JOHN D. LUPINACCI**  
Town Councilman  
**JONATHAN SCHNEIDER**  
Town Councilman

**MICHAEL SIMONE**  
Superintendent of Highways  
Tel. (845) 628-7474

**TOWN BOARD VOTING MEETING**  
**Wednesday, November 6, 2019, 2019 7:00pm**

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**PLEDGE OF ALLEGIANCE - MOMENT OF SILENCE**

**6:30pm Executive Session:**

1. Gregory Folchetti, Esq. – Litigation Update
2. Interview of Candidate - Ethics Board

**Public Hearing:** On the Town of Carmel Preliminary Budget for the fiscal year 2020 including the General Town Fund, Highway Funds as well as all Water Districts, Sewer Districts, Park Districts, Fire Protection Districts, Garbage District and Lighting Districts

**Town Board Voting Meeting:**

- Accept Town Board Minutes – October 2, and 9, 2019
1. Res: Making Probationary Appointment to the Town of Carmel Building Department
  2. Res: Making Appointment to the Town of Carmel Zoning Board of Appeals
  3. Res: Making Appointment to the Town of Carmel Environmental Conservation Board
  4. Res: Scheduling Public Hearing to Hear Objections to Assessment Rolls for the Operation and Maintenance of the Improvements of Garbage, Sewer and Water Districts for Fiscal Year 2020 (December 4, 2019)
  5. Res: Rejecting Bids Received for Carmel Garbage District Collection of Refuse, Garbage, Recyclable Material & Bulk Collection
  6. Res: Authorizing Exercise of Option to Extend Contract Carmel Garbage District Contract #C-239 Collection of Refuse, Garbage, Recyclable Material and Bulk Collection (AAA Carting)
  7. Res: Authorizing Exercise of Option to Extend Contract Carmel Garbage District Contract #C-239 Collection of Refuse, Garbage, Recyclable Material and Bulk Collection (R&S Waste Services, LLC)
  8. Res: Accepting Proposal for GPS Tracking Services for Town Vehicles
  9. Res: Authorizing Attendance at Seminar
  10. Res: Accepting Proposal for Engineering Services Carmel Water Districts
  11. Res: Authorizing Extension of Contract for Park District Property Maintenance Lake Secor Park District

12. Res: Authorizing Extension of Contract for Park District Property Maintenance Lake Teakettle Park District

13. Res: Authorizing Filing of Semi-Annual MS4 Stormwater Report

14. Res: Rescinding Water Emergency Pursuant to Section 151-22 of the Town Code

15. Res: Authorizing Release of Retainage and Substitution of Bond Carmel Water District #2 Emergency Watermain Replacement Project Contract # C-246

- **Public Comment (Three (3) Minutes on Agenda Items Only)**
- **Town Board Member Comments**

**Open Forum:**

- **Public Comments on New Town Related Business (Three (3) Minutes Maximum for Town Residents, Property Owners & Business Owners Only)**
- **Town Board Member Comments**
- **Adjournment**

*Ann Spofford*  
*Town Clerk*  
*Town of Carmel*

*Town Hall*  
*60 McAlpin Avenue*  
*Mahopac, New York 10541*

*Telephone: 845.628.1500*  
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**NOTICE OF PUBLIC HEARING**  
**TOWN OF CARMEL PRELIMINARY BUDGET**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing on the 6<sup>th</sup> day of November, 2019 at Town Hall, 60 McAlpin Avenue, Mahopac, New York, at 7:00 p.m. or as soon thereafter that evening as possible in regard to the Preliminary Budget for the fiscal year 2020 including the General Town Fund, Highway Funds as well as all Water Districts, Sewer Districts, Park Districts, Fire Protection Districts, Garbage District and Lighting Districts, and

BE IT FURTHER NOTICED that pursuant to Section 108 of the Town Law, the proposed salaries of the following officials for fiscal year 2020 are hereby specified as follows: Supervisor: \$127,296.00; Town Council Members (ea): \$22,276.80; Town Clerk \$97,063.20; and Highway Superintendent \$131,539.20;

AND BE IT FURTHER NOTICED, that the Preliminary Budget for the Town of Carmel has been completed and filed in the Office of the Town Clerk, Town Hall, 60 McAlpin Avenue, Mahopac, New York, where it is available for public inspection during office hours.

At said Public Hearing, any resident may be heard in favor of or against the Preliminary Budget as compiled or for or against any item or items contained therein. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

By Order of the Town Board  
of the Town of Carmel  
Ann Spofford, Town Clerk

**RESOLUTION #1**

**RESOLUTION MAKING PROBATIONARY APPOINTMENT ASSISTANT BUILDING INSPECTOR IN THE TOWN OF CARMEL BUILDING DEPARTMENT**

RESOLVED that the Town Board of the Town of Carmel hereby appoints Edward Spadaro to said position effective December 2, 2019, at a CSEA Group 9 Step 1 salary level on a probationary basis and subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	___	___
Jonathan Schneider	___	___
John Lupinacci	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

**RESOLUTION #2**

**RESOLUTION MAKING APPOINTMENT TO THE TOWN OF CARMEL ZONING BOARD OF APPEALS**

RESOLVED that the Town Board of the Town of Carmel hereby appoints Julie McKeon to the Town of Carmel Zoning Board of Appeals for a term commencing immediately and expiring December 31, 2020.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	NO
Michael Barile	___	___
Jonathan Schneider	___	___
John Lupinacci	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

## **RESOLUTION #3**

### **RESOLUTION MAKING APPOINTMENT TO THE TOWN OF CARMEL ZONING ENVIRONMENTAL CONSERVATION BOARD**

RESOLVED that the Town Board of the Town of Carmel hereby appoints Victoria F. Causa to the Town of Carmel Environmental Conservation Board for a term commencing immediately and expiring June 13, 2020.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	___	___
Jonathan Schneider	___	___
John Lupinacci	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

**RESOLUTION #4**

**RESOLUTION SCHEDULING PUBLIC HEARING TO HEAR  
OBJECTIONS TO ASSESSMENT ROLLS FOR THE OPERATION  
AND MAINTENANCE OF THE IMPROVEMENTS OF THE  
GARBAGE, SEWER AND WATER DISTRICTS FOR FISCAL YEAR 2020**

WHEREAS the Town of Carmel hereby has completed its assessment rolls for the operation and maintenance of the improvements serving Carmel Sewer Districts #1, #2, #3, #4, #5, #6, #7 and #8 and extensions thereto as well as Carmel Water Districts #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #12, #13, #14 and extensions thereto as well as The Town of Carmel Garbage District of said Town for fiscal year 2020; and

WHEREAS said assessment rolls have been filed with Ann Spofford, Town Clerk of the Town of Carmel;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby schedules a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, NY 10541 on Wednesday, December 4, 2019 at 7:00 PM or as soon thereafter that evening as possible for the purpose of considering any objections which may be made to said assessment rolls

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	___	___
Jonathan Schneider	___	___
John Lupinacci	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

**RESOLUTION #5**

**RESOLUTION REJECTING BIDS RECEIVED FOR  
CARMEL GARBAGE DISTRICT  
COLLECTION OF REFUSE, GARBAGE,  
RECYCLABLE MATERIAL & BULK COLLECTION**

WHEREAS, the Town of Carmel has previously authorized the advertisement for bids for collection of refuse, garbage, recyclable material and bulk collection for the Town of Carmel Garbage District; and

WHEREAS, the such bids were received on October 24, 2019 and copies of said bids are on file in the Office of Town Clerk, Ann Spofford;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby rejects all bids received in connection with the referenced bid authorization.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	___	___
Jonathan Schneider	___	___
John Lupinacci	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

**RESOLUTION #6**

**RESOLUTION AUTHORIZING EXERCISE OF OPTION TO EXTEND CONTRACT  
CARMEL GARBAGE DISTRICT CONTRACT C-239  
COLLECTION OF REFUSE, GARBAGE, RECYCLABLE MATERIAL AND BULK  
COLLECTION**

WHEREAS, the Town of Carmel has previously entered into a contract for the collection of refuse, garbage, recyclable material and bulk collection with AAA Carting and Rubbish Removal, Inc. dated December 6, 2016, contract C-239; and

WHEREAS, Article 8 of the aforesaid contract vested in the Town of Carmel the unilateral right to extend said contract for two (2) additional one (1) year periods; commencing January 1, 2020 through December 31, 2020 and January 1, 2021 through December 31, 2021, respectively;

NOW THEREFORE BE IT RESOLVED, that the Town of Carmel Town Board, hereby authorizes the exercise of the Town of Carmel’s right to extend the aforesaid contract for the periods authorized herein;

BE IT FURTHER RESOLVED that written notice of the exercise of the rights referenced hereunder shall be provided to AAA Carting and Rubbish Removal, Inc. by the Town of Carmel Engineering Department together with a certified copy of this resolution.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	___	___
Jonathan Schneider	___	___
John Lupinacci	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

**RESOLUTION #7**

**RESOLUTION AUTHORIZING EXERCISE OF OPTION TO EXTEND CONTRACT  
CARMEL GARBAGE DISTRICT CONTRACT C-239  
COLLECTION OF REFUSE, GARBAGE, RECYCLABLE MATERIAL AND BULK  
COLLECTION**

WHEREAS, the Town of Carmel has previously entered into a contract for the collection of refuse, garbage, recyclable material and bulk collection with R&S Waste Service, LLC, dated October 31, 2016, contract C-239; and

WHEREAS, Article 8 of the aforesaid contract vested in the Town of Carmel the unilateral right to extend said contract for two (2) additional one (1) year periods; commencing January 1, 2020 through December 31, 2020 and January 1, 2021 through December 31, 2021, respectively;

NOW THEREFORE BE IT RESOLVED, that the Town of Carmel Town Board, hereby authorizes the exercise of the Town of Carmel's right to extend the aforesaid contract for the periods authorized herein;

BE IT FURTHER RESOLVED that written notice of the exercise of the rights referenced hereunder shall be provided to R&S Waste Service, LLC by the Town of Carmel Engineering Department together with a certified copy of this resolution.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	___	___
Jonathan Schneider	___	___
John Lupinacci	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

**RESOLUTION #8**

**RESOLUTION ACCEPTING PROPOSAL FOR GPS TRACKING SERVICES FOR TOWN VEHICLES**

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes entry into agreement for One Step GPS, LLC, San Fernando, California tracking services for Town Hall and Town of Carmel Highway Department Vehicles for 2019 and 2020 at an estimated annual cost not to exceed \$5,238.00; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	___	___
Jonathan Schneider	___	___
John Lupinacci	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

**RESOLUTION #9**

**RESOLUTION AUTHORIZING ATTENDANCE AT SEMINAR**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town of Carmel Assessor Glenn Droese to attend the 2019 Ethics and the Assessor Seminar offered by the New York State Assessor’s Association in Greenburgh, NY on November 14, 2019; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel authorizes payment of reasonable and necessary expenses incurred in connection therewith upon audit.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	___	___
Jonathan Schneider	___	___
John Lupinacci	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

**RESOLUTION #10**

**RESOLUTION ACCEPTING PROPOSAL FOR ENGINEERING SERVICES  
CARMEL WATER DISTRICTS**

RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water Districts #1, #2, #3, #8, #9, #10, #13 and #14, hereby authorizes the acceptance of the proposal of Weston & Sampson, Reading, MA for the provision of design, bid assistance and construction administration services for water storage tank rehabilitation in the referenced Water Districts, at a cost not to exceed \$215,500.00; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt his hereby authorized to execute any and all documentation reasonably necessary to effectuate this authorization; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	___	___
Jonathan Schneider	___	___
John Lupinacci	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

**RESOLUTION #11**

**RESOLUTION AUTHORIZING EXTENSION OF CONTRACT  
FOR PARK DISTRICT PROPERTY MAINTENANCE  
LAKE SECOR PARK DISTRICT**

RESOLVED, that The Town Board of the Town of Carmel, acting as Commissioners of the Lake Secor Park District, and upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby authorizes exercise of its option to extend the existing contract for landscaping and maintenance services for the Lake Secor Park District with Bella Vista Landscaping for years 2020 and 2021; and

BE IT FURTHER RESOLVED that the annual costs for said services shall not exceed \$2,650.00 and \$2,800.00 respectively, for years 2020 and 2021.

BE IT FURTHER RESOLVED, that upon presentation of insurance certificates in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt is hereby authorized to execute any and all documentation necessary to effect the authorization set forth within the terms of this resolution.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	___	___
Jonathan Schneider	___	___
John Lupinacci	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

**RESOLUTION #12**

**RESOLUTION AUTHORIZING EXTENSION OF CONTRACT  
FOR PARK DISTRICT PROPERTY MAINTENANCE  
LAKE TEAKETTLE PARK DISTRICT**

RESOLVED, that The Town Board of the Town of Carmel, acting as Commissioners of the Lake Teakettle Park District, and upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby authorizes exercise of its option to extend the existing contract for landscaping and maintenance services for the Lake Teakettle Park District with Bella Vista Landscaping for years 2020 and 2021; and

BE IT FURTHER RESOLVED that the annual costs for said services shall not exceed \$1,650.00 and \$1,700.00 respectively, for years 2020 and 2021.

BE IT FURTHER RESOLVED, that upon presentation of insurance certificates in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt is hereby authorized to execute any and all documentation necessary to effect the authorization set forth within the terms of this resolution.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	___	___
Jonathan Schneider	___	___
John Lupinacci	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

**RESOLUTION #13**

**RESOLUTION AUTHORIZING FILING OF  
SEMI-ANNUAL MS4 STORMWATER REPORT**

WHEREAS the Town Board has been presented with a draft semi-annual MS4 Stormwater Report prepared by the Town of Carmel Engineering Department; and

WHEREAS an opportunity for public comment on the draft annual report was received by the Town Board and the Town Board has considered any comments to such report comments;

NOW, THEREFORE, BE IT RESOLVED that the Town Supervisor, Kenneth Schmitt is hereby authorized to sign and file said report as drafted by Town Engineer Richard J. Franzetti, P.E.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	___	___
Jonathan Schneider	___	___
John Lupinacci	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

**RESOLUTION #14**

**RESOLUTION RESCINDING WATER EMERGENCY  
PURSUANT TO SECTION 151-22 OF THE TOWN CODE**

WHEREAS, that the Town Board of the Town of Carmel, acting as the Commissioners of the Water Districts of the Town of Carmel, and pursuant to Section 151-22 of the Code of the Town of Carmel, had previously determined that a water emergency existed within the Town of Carmel, specifically within Carmel Water District #4; and

WHEREAS, pursuant to a previous resolution, the Town Board had declared such water emergency and promulgated restrictions on the use of water for nonessential purposes within Carmel Water District #4; and

WHEREAS, upon the advice of and consultation of Town Engineer Richard J. Franzetti, P.E., as well as the operators of Carmel Water District #4; it is apparent that rescission of such water emergency declaration for certain water districts within the Town of Carmel is now appropriate;

NOW THEREFORE BE IT RESOLVED that pursuant to Section 151-22 (A) of the Town Code of the Town of Carmel, the Town Board, acting as Commissioners of Carmel Water District #4; hereby rescinds the aforesaid declaration of water emergency with respect to Carmel Water District #4; and

BE IT FURTHER RESOLVED that the Town Clerk is directed to publish this resolution in the official newspapers of the Town and to post said resolution on the official bulletin Board of the Town of Carmel.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	___	___
Jonathan Schneider	___	___
John Lupinacci	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

**RESOLUTION #15**

**RESOLUTION AUTHORIZING RELEASE OF RETAINAGE AND  
SUBSTITUTION OF BOND CARMEL WATER DISTRICT #2 EMERGENCY  
WATERMAIN REPLACEMENT PROJECT CONTRACT C-246**

RESOLVED that the Town Board of the Town of Carmel, hereby authorizes release of contract retainage on the above contract to Legacy Supply, Inc. in relation to the above contract in the amount of \$88,793.96: and

BE IT FURTHER RESOLVED that such release of contract retainage is subject to and expressly conditioned upon the receipt of properly executed releases of liens from Legacy Supply, Inc. its subcontractors etc., together with a duly executed affidavit of no liens Legacy Supply, Inc. as well as all other documents required by the contract C-246 specifications in regard to final payment, all as in form acceptable to Town Counsel; and

IT FURTHER RESOLVED that such release of contract retainage is further subject to and conditioned upon receipt of a duly-executed maintenance bond guaranteeing and indemnifying the Town of Carmel and Carmel Water District #2 against all defects in materials and/or workmanship with respect to the improvements performed by Legacy Supply, Inc. under said Contract C246 for a period of one (1) year, in form acceptable to Town Counsel.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	___	___
Jonathan Schneider	___	___
John Lupinacci	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___