

TOWN BOARD MEETING
TOWN HALL, MAHOPAC, N.Y.

A Regular Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 16th day of January 2019 at 7:07 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Barile, Councilman Schneider, Councilman Lupinacci, Councilwoman McDonough and Supervisor Schmitt.

The Pledge of Allegiance to the Flag was observed prior to the start of official business. A moment of silence was held to honor those serving in the United States Armed Forces.

Supervisor Schmitt announced that the Town Board met at 6:00 p.m. in Executive Session to conduct an interview in connection with a Planning Board vacancy, a litigation update from Councilman Schneider, as well as a discussion led by Legal Counsel Gregory Folchetti regarding a contractual matter.

PUBLIC HEARING CONTINUATION RESCHEDULED TO 3/20/2019 - PROPOSED LOCAL LAW AMENDING CHAPTER 89 OF THE CODE OF THE TOWN OF CARMEL, ENTITLED "FRESHWATER WETLANDS"

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the re-scheduling of a Public Hearing at Town Hall, 60 Mc Alpin Avenue, Mahopac, New York 10541 to Wednesday March 20, 2019 at 7:00 p.m., or as soon thereafter that evening as possible, on a proposed Local Law amending Chapter 89 of the Code of the Town of Carmel, entitled "Freshwater Wetlands"; and

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized and instructed to publish and post the necessary notices in the official newspapers of the Town and on the Town bulletin board regarding this Public Hearing.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilman Schneider

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

PUBLIC HEARING HELD - PROPOSED LOCAL LAW AMENDING CHAPTER 111 OF THE CODE OF THE TOWN OF CARMEL, ENTITLED "PEDDLING AND SOLICITING"

Councilman Schneider explained that the prior version of the proposed Local Law Amending Chapter 111 of the Code of the Town of Carmel, Entitled "Peddling and Soliciting" was revised to address concerns submitted to the Town Board. Exemptions were put in place for vendors utilizing outdoor areas. He noted that the Town Board welcomes feedback from the public and takes it into consideration when enacting legislation.

Supervisor Schmitt added that the Local Law was precipitated by twenty-two complaints made to the Police Department as well as complaints made to his office this year with regard to unprofessional and aggressive tactics displayed by door-to-door solicitors. He indicated that there has been a significant increase in the amount of peddling applications and in turn, concerns posed by residents about their safety. Supervisor Schmitt stated that the Local Law will prohibit any door-to-door soliciting of goods and services throughout the Town, however, it will not apply to youth groups, religious groups and candidates running for public office. He concluded that in 2015, twelve peddling licenses were issued and the amount increased yearly to thirty-seven licenses issued in 2018.

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With no one present in objection, reading of the following Notice of Public Hearing as published in the Town's official newspapers was waived. Copies of the Notice were made available to the public.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, January 16, 2019 at 7:00 p.m. or as soon thereafter that evening as possible on a proposed Local Law amending Chapter 111 of the Code of the Town of Carmel, entitled "Peddling and Soliciting" as follows:

TOWN OF CARMEL
PROPOSED LOCAL LAW # ____ OF THE YEAR 2019
A LOCAL LAW AMENDING CHAPTER
111 OF THE CODE OF THE TOWN
OF CARMEL, ENTITLED
"PEDDLING AND SOLICITING"

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

SECTION 1 : LEGISLATIVE FINDINGS

It is hereby found and determined that the act of peddling, vending and soliciting within the Town has a significant impact upon the quality of life of the residents of the Town, including the health, safety and welfare thereof. It is further found that the unregulated act of peddling, vending and soliciting presents a significant disadvantage to other established businesses within the Town which pay rent, taxes, expenses and fees for the privilege of doing business within the Town and should, therefore, not be condoned or permitted.

SECTION 2: AUTHORITY

This chapter is adopted pursuant to the authority, of Article 2, § 10 of the New York State Municipal Home Rule Law.

SECTION 3: AMENDMENT OF CHAPTER 111

Article I of Chapter 111 of the Town Code of the Town of Carmel entitled "Peddling", is hereby repealed effective immediately and replaced with the following:

§111-1 PURPOSE.

The purpose of this article is to protect the health, safety and welfare of the residents of the Town of Carmel by regulating peddling, soliciting and vending within the Town of Carmel.

§111-2 PEDDLING PROHIBITED.

Except as may be otherwise permitted by general or special law, it shall be unlawful for any person, corporation, partnership, company, unincorporated association, agent or principal thereof, or any other entity to engage in or act as a peddler, vendor, solicitor or commercial traveler, as herein defined, within the jurisdictional boundaries of the Town of Carmel.

§ 111-3 DEFINITIONS.

As used in this chapter, the following terms shall have the meanings indicated:

Commercial Traveler

A person or entity doing business through the act of renting a room or suite of rooms in a hotel, motel or inn, commercial building or private dwelling, excluding exterior areas and/or parking lots/parking areas, for temporary occupancy which does not exceed 60 days, for the purpose of using said premises to sell, offer for sale or solicit orders for goods, services, merchandise or money to or from members of the public.

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Peddle

The merchandising of any goods, wares, commodities, books, periodicals, labor or services; or requesting or seeking contributions of goods and/or money by going from house to house, place of business to place of business or in any public street or public place or by temporarily occupying a room, building, structure, land or other premises therefor.

Peddler

Any person who, being uninvited by the home or business owner, engages in the merchandising of any goods, wares, commodities, books, periodicals, labor or services by going from house to house or place of business to place of business. Peddler shall also include any person who seeks or requests contributions of goods and/or money by going from house to house or from place of business to place of business or by temporarily occupying a room, building or other premises with the Town for such purpose.

Temporary Occupancy

A store, room, building, tent, enclosure, parking lot or structure of any kind intended to be used or occupied for the period of time necessary to peddle, vend or solicit the merchandise sold therein. In all prosecutions for the violation of this chapter, the intent of the defendant to conduct an established place of business shall be an affirmative defense, and the burden of proving such intent shall be upon the defendant in such prosecution.

Vendor

A person who engages in the act or occupation of selling or offering for sale from a fixed location or locations, and at times and from time to time, goods, wares merchandise or labor, meats, fish, produce and prepared foods from any portable cart, stand, vehicle or display device of any nature.

§ 111-4 EXEMPTIONS.

The provisions of this chapter shall not apply to the following:

- A. Any person peddling at the express invitation of any person or organization.
- B. A wholesaler or distributor selling articles to dealers or merchants who have an established place of business within the Town.
- C. A child regularly attending any public, private or parochial school; veterans organizations; fraternal organizations; civic groups; churches; tax-exempt charitable or religious organizations or sects; provided, however, that such child or member of such exempt organization shall carry on an otherwise prohibited conduct only in connection with an authorized activity of the school which the child attends or another school which has authorized such child to carry on the activity or, in the case of an exempt organization, which has authorized such member to carry on the activity. It shall be required, however, that prior to the commencement of such otherwise prohibited conduct, the school or otherwise exempt organization for which the activity shall be carried on shall notify the Clerk of the Town, in writing, of the intention of such school or exempt organization to conduct such activity within the Town, together with a brief description thereof.

§ 111-5 PENALTIES FOR OFFENSES.

Any person, corporation, partnership, company, unincorporated association, agent or principal thereof; or any other entity who shall act as a commercial traveler, peddler, solicitor or vendor, as defined herein, or who shall violate any other provision of this chapter shall be guilty of a violation and punishable by a fine not to exceed \$1,000 or imprisonment for not more than 15 days, or both. Each day upon which such violation continues shall constitute a separate offense.

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SECTION 4 – HOME RULE

Nothing in this Local Law is intended, or shall be construed (a) to limit the home rule authority of the Town under State Law to limit the Town's discretion in setting fees and charges in connection with any applications requiring Town approval.

SECTION 5 – SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Carmel hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 6 – EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

At said Public Hearing, all interested persons shall be heard on the subject thereof. 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

Supervisor Schmitt opened the Public Hearing for public comment at 7:16 p.m. Three people were in attendance.

Bob Dumas asked if there were any fines or penalties associated with violating the Local Law.

Councilman Schneider replied that it would be punishable by a fine not to exceed \$1,000 or imprisonment for not more than 15 days.

Legal Counsel Gregory Folchetti added that it was a violation, not a misdemeanor.

Councilman Schneider commented that the Police Department may show discretion for a first offence.

Michael Celestino from the Greater Mahopac Carmel Chamber of Commerce indicated that he was in favor of the proposed Local Law as it relates to peddlers soliciting house to house. However, he stated that there are many businesses outside of the Town that conduct business inside the Town thereby benefiting the businesses inside the Town.

Supervisor Schmitt stated that this would not apply to them and that a business can go to another business.

Legal Counsel Gregory Folchetti indicated that the proposed Local Law was not meant for merchants or businesses. He mentioned as an example, if someone orders from a restaurant or food establishment in the Town and an independent contractor from outside the Town delivers the food, they are going to a residence at the resident's express invitation.

Mr. Celestino asked to confirm that there is a line of demarcation between going door-to-door, business to business and going door-to-door, resident to resident.

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Councilman Schneider cited the section of the proposed Local Law where it specifically applies to residences.

Mr. Celestino expressed his concern that businesses are mentioned in various other sections of the proposed Local Law.

Supervisor Schmitt stated that the legislation is designed to stop the vans from coming into Town and dropping off multiple people going door-to-door through neighborhoods. A resident is free to invite any vendor to their home for a proposal.

Councilwoman McDonough reiterated that the proposed Local Law mentions going from “house to house”.

Councilman Schneider referenced the definition of peddler included in §111-3 of the proposed Local Law and pointed out that it refers to going “house to house” as well as “place of business to place of business”. Councilman Schneider inquired to Legal Counsel Gregory Folchetti if “place of business to place of business” could be removed from the proposed Local Law.

Legal Counsel Folchetti explained that it could not be without re-noticing. He stated that the intent of the proposed Local Law is to limit the house to house solicitation and that this proposed Local Law was modeled after a neighboring municipality’s Local Law.

Councilman Schneider suggested for clarification purposes, amending the proposed Local Law to remove references of “place of business to place of business”.

Councilwoman McDonough agreed, noting that although the current Town Board has their intent, in the future the Local Law could be interpreted another way.

Councilman Schneider inquired about the applicability of ice cream or food truck vendors.

Supervisor Schmitt stated that it did not affect them at all because a resident is inviting them to your home. They may be driving around, but the resident is stopping them.

Mr. Dumas conveyed the concern of his employer at the Mahopac News with regard to the potential impact that the legislation would have on their sales representatives cold calling on businesses.

Councilman Barile stated that the proposed Local Law is based on residential houses.

Councilman Schneider reiterated his concern with regard to references of “place of business to place of business” in the proposed legislation.

Supervisor Schmitt questioned if the modification would have an effect on any other section of the Town Code.

Chief of Police Michael Cazzari maintained that the legislation is meant to restrict the people who obtain peddling licenses thereby becoming authorized by the Town to solicit without the Town really knowing who they are, as well as without being able to regulate their practices of going door-to-door and making residents feel unsafe.

Councilman Schneider inquired to Chief Cazzari about any consequences resulting from removing the references of “place of business to place of business” in the proposed Local Law.

Chief Cazzari did not anticipate any and pointed out that the Town is not regulating the solicitation of businesses to businesses now.

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Councilman Schneider confirmed that all members of the Town Board were in agreement that the proposed Local Law should be modified. He also verified with the members of the public in attendance who voiced their comments, that removing “place of business to place of business” addresses their concerns.

John Butler, Carmel resident commented with regard to the intent of the proposed Local Law that upon its adoption, no one other than someone who is invited on to his property will come on to his property.

Councilman Schneider explained that the proposed Local Law contains exemptions.

Mr. Butler stated that the exemptions are rather broad and put forward the possibility of people finding loopholes in them. He noted that other than notification to the Town, there is nothing in the legislation that prevents organizations domiciled outside the Town from using children to go door-to-door. Mr. Butler suggested that there should be a requirement for the child to have an association with an organization domiciled within the Town.

Councilman Schneider explained with regard to that situation that children attending private school outside of the Town would no longer be permitted to solicit for their school, and indicated that he did not support restricting not-for-profits, schools and religious organizations.

Mr. Butler commented that his issue was not with local children. He stated that his concern was that a loophole is being created and it should be addressed at this time.

Councilman Schneider acknowledged Mr. Butler’s concern and explained that the section of the Local Law could be revisited if abuse is detected.

Councilwoman McDonough stated that the section of the proposed Local Law is not new.

Mr. Butler confirmed that there will be no permits issued to vendors to go door-to-door.

Councilman Schneider clarified that this proposed Local Law contains modifications to the specific exemptions included in the current Town Code and commented that these modifications will be an improvement.

With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Lupinacci, seconded by Councilwoman McDonough, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:34 p.m.

**MINUTES OF TOWN BOARD MEETINGS HELD ON 12/12/18, 12/19/18 AND 1/2/19 -
ACCEPT AS SUBMITTED BY THE TOWN CLERK**

On motion by Councilman Lupinacci, seconded by Councilwoman McDonough, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meetings held on December 12th 2018, December 19th 2018 and January 2nd 2019 were accepted as submitted by the Town Clerk.

**MAHOPAC VOLUNTEER FIRE DEPARTMENT - ADDITIONS TO THE ACTIVE LIST
AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the addition of the following names to the active list of the Mahopac Volunteer Fire Department:

Jessica Hart
Drew Charles Kinash

(Cont.)

Resolution
Offered by: Councilman Schneider
Seconded by: Councilman Lupinacci

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

Supervisor Schmitt expressed his appreciation to the new members for joining Mahopac Volunteer Fire Department.

DEPARTMENT OF RECREATION AND PARKS - PROPOSAL ACCEPTED FOR AIRPORT PARK IMPROVEMENTS PHASE II ENGINEERING SERVICES - INSITE ENGINEERING - NOT TO EXCEED \$42,300.00

RESOLVED THAT the Town Board of the Town of Carmel, hereby accepts the proposal of Insite Engineering, Surveying and Landscape Architecture, P.C., Carmel NY for the services required in connection with the update of design documents and provision of construction administration services for Phase II improvements to be constructed at Airport Park in accordance with the proposal of January 2, 2019 at a cost not to exceed \$42,300.00; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to accept the proposal and authorize the actions contained herein; 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: Councilwoman McDonough
Seconded by: Councilman Lupinacci

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

HIGHWAY DEPARTMENT - CERTAIN EQUIPMENT DECLARED OBSOLETE AND DISPOSAL AUTHORIZED

RESOLVED that, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, the Town Board of the Town of Carmel hereby declares the vehicles listed and enumerated in the memorandum dated January 2, 2019, which is incorporated herein and made a part hereof, to be obsolete and authorizes their disposal in accordance with Town Law, including but not limited to Town Law §64(2-a).

Resolution
Offered by: Councilman Lupinacci
Seconded by: Councilman Schneider

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

TOWN OF CARMEL HIGHWAY DEPARTMENT

Carmel Highway Department
55 McAlpin Avenue
Mahopac, NY 10541
MICHAEL SIMONE
Superintendent of Highways
845.628.7474
FAX 845.628.1471
MSimone@bestweb.net

FROM THE DESK OF: *Michael Simone*

TO: SUPERVISOR KENNETH SCHMITT
TOWN BOARD

DATE: JANUARY 2, 2019

RE: REQUEST TO DISPOSE OF EQUIPMENT

I am requesting the authorization to dispose of the following:

| Highway Department Equipment Retired | | |
|--------------------------------------|-----------|-------------------|
| Description | Hwy ID | VIN Number |
| 2009 FORD Crown VIC | Car #8 | 2FAHP71V79X138205 |
| 2010 FORD Crown VIC | 315 | 2FABP7BV3AX135522 |
| 1997 Mack RD 4X2 Brine | Truck #40 | 1M2P263C9VM022575 |

**HIGHWAY DEPARTMENT - ENTRY INTO 2019 NYSDOT PROGRAM AGREEMENT
AUTHORIZED FOR DRUG AND ALCOHOL TESTING - PARTNERS IN SAFETY, INC**

RESOLVED that, the Town Board of the Town of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes entry into 2019 NYS Department of Transportation Program agreement for drug and alcohol testing of collective bargaining unit members Local 456 Teamsters Union with Partners In Safety, Inc, Nanuet, NY, said agreement to be in form as is on file in the Office of the Town of Carmel Highway Superintendent.

Resolution

Offered by: Councilman Barile
Seconded by: Councilman Lupinacci

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

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**DEPARTMENT OF RECREATION AND PARKS - PURCHASE AND INSTALLATION
OF SANDER EQUIPMENT AUTHORIZED - HUDSON RIVER TRUCK AND TRAILER
- NOT TO EXCEED \$5,674**

RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Director of Recreation and Parks James R. Gilchrist, hereby authorizes the purchase and installation of sander equipment in Recreation vehicle No. P-59 from Hudson River Truck and Trailer, Poughkeepsie, NY at a cost not to exceed \$5,674 and in accordance with the proposal dated December 12, 2018; and

BE IT FURTHER RESOLVED that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect the aforesaid purchase transactions authorized herein.

Resolution

Offered by: Councilman Schneider

Seconded by: Councilwoman McDonough and Councilman Lupinacci

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

POLICE DEPARTMENT - PURCHASE OF POLICE VEHICLE (2016 DODGE CHARGER) AUTHORIZED - ROBERT GREEN TRUCK DIVISION - NOT TO EXCEED \$27,812.04

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Chief of Police Michael Cazzari to proceed to purchase one (1) new 2016 Dodge Charger police vehicle from Robert Green Truck Division, Rock Hill, NY, including police lighting package at a unit cost not to exceed \$27,812.04 under Onondaga County #8771 Statewide Piggy Back Bid pursuant to General Municipal Law §103(16); and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign all necessary documents to purchase said vehicle from Robert Green Truck Division in accordance with their contract quotations dated January 2, 2019; and

BE IT FURTHER RESOLVED that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect the aforesaid purchase transactions authorized herein.

Resolution

Offered by: Councilwoman McDonough

Seconded by: Councilman Lupinacci

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

Supervisor Schmitt explained that the Dodge Charger is a 2016 leftover and commented that it is a great value. The purchase includes the police lighting.

Councilman Schneider added that an additional \$5,000 will be required in connection with computer and communications equipment costs.

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POLICE DEPARTMENT - CONTRACT AWARDED FOR PURCHASE OF MOTOR VEHICLE FUEL - GLOBAL MONTELLO GROUP CORP.

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Chief of Police Michael Cazzari, hereby authorizes the award of bid contract for purchase of motor vehicle fuel for the Town of Carmel Police Department for the period commencing retroactive to December 19, 2018 through December 17, 2020 to Global Montello Group Corp., Waltham, MA under Putnam County Office of Purchasing Contract No. PC68456 at the per-gallon prices of \$2.2141 for regular grade; \$2.2690 for mid-range grade and \$2.3578 for premium grade.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilman Barile

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

NOT-FOR-PROFIT CONTRACTORS - PROPOSAL ACCEPTED FOR SPECIAL COUNSEL SERVICES - PINSKY LAW GROUP, PLLC

RESOLVED THAT the Town Board of the Town of Carmel, hereby accepts the proposal of the Pinsky Law Group, PLLC, Syracuse, NY for the provision of special counsel and legal services in connection with the Town of Carmel and its contracts with various Not-for-Profit contractors for fiscal year 2019, said proposal to be in form as is currently on file in the Office of the Town Supervisor, and at an aggregate annual flat fee of \$20,000 (Twenty Thousand Dollars), with any additional authorized hourly services at a rate not to exceed \$250.00; and

BE IT FURTHER RESOLVED, that the cost of said services shall be apportioned accordingly to the Fire Protection Districts, Ambulance Districts, etc. for which said services shall be provided; and

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 necessary contract documentation to effect acceptance of this proposal upon the terms authorized herein.

Resolution

Offered by: Councilman Barile
Seconded by: Councilman Lupinacci

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

PUBLIC COMMENTS - AGENDA ITEMS

No member of the public wished to comment at this time.

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

No member of the Town Board wished to comment at this time.

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PUBLIC COMMENTS - OPEN FORUM

John Butler, Carmel resident referenced his comments to the Town Board made at the prior meeting with regard to the terrible condition of the water system and the water being delivered to the homes in his neighborhood. He inquired if any progress has been made this week in connection with the problems in Carmel Water District #2. Mr. Butler added that during the course of this week, scaffolding had been set up on the side of the water storage tank on Everett Road which appears to be addressing a 15" - 18" square section of corrosion on the steel wall of the tank.

Supervisor Schmitt explained that the square is a patch that covers a leak in the storage tank and that further work there is required.

Mr. Butler commented that this is the third or fourth leak in the past three years.

Supervisor Schmitt stated that action will be taken in the near future and discussion ensued with regard to a timeline for the water tank, water distribution system and water plant improvements.

TOWN BOARD MEMBER COMMENTS - OPEN FORUM

Supervisor Schmitt announced that the Carmel Town Hall will be closed on January 21, 2019 in observance of Martin Luther King, Jr. Day.

Councilman Schneider announced that at the next Work Session there will be a discussion with regard to retaining representation to assist the Town with lobbying for initiatives in connection with the Town's water and sewer infrastructure. Councilman Schneider urged interested residents, civic organizations and chamber members to attend.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Lupinacci, with all Town Board members present and in agreement, the meeting was adjourned at 8:13 p.m. to Executive Session to continue the discussion with Legal Counsel Folchetti regarding a contractual matter.

Respectfully submitted,

Ann Spofford, Town Clerk