

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

A Special Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 13th day of November 2019 at 7:11 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 with Police Chief Michael Cazzari regarding personnel matters related to the 2020 Budget, and with Legal Counsel Gregory Folchetti with regard to attorney-client/contractual matters.

Supervisor Schmitt announced that the Town Board also conducted an interview with a perspective vendor in connection with the Town of Carmel Master Plan and Code revisions. Supervisor Schmitt spoke regarding the timeline for the extensive project as well as how the Town Board will be seeking input from the community as to the direction to be taken.

Supervisor Schmitt acknowledged Councilman-elect Frank Lombardi and Councilman-elect Robert Schanil in attendance at the meeting. He stated that the Town Board has invited them to participate in their Executive Sessions pending officially taking office on January 1, 2020.

TOWN OF CARMEL ETHICS BOARD APPOINTMENT MADE - LISA PERRI

RESOLVED that the Town Board of the Town of Carmel hereby appoints Lisa Perri to the Town of Carmel Ethics Board, commencing immediately.

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>

Supervisor Schmitt welcomed Lisa Perri to her position on the Town of Carmel Ethics Board.

PAYMENT FOR REPAIRS AUTHORIZED - CARMEL WATER DISTRICT #2 - KUCK EXCAVATING, INC., CARMEL WATER DISTRICT #4 - BEE & JAY PLUMBING AND NEW YORK LEAK DETECTION, INC. - CARMEL WATER DISTRICT #7 - BEE & JAY PLUMBING

RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of the various water and sewer districts of the Town of Carmel, and upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby authorizes the following payments for repairs performed within the referenced districts:

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Vendor Name	Services Rendered	Authorized Amount
Kuck Excavating, Inc. Carmel, NY Invoice: September 9, 2019	Carmel Water District #2 Emergency Line Repair	\$7,296.12
Kuck Excavating, Inc. Carmel, NY Invoice: September 9, 2019	Carmel Water District #2 Emergency Line Repair	\$6,302.28
Bee & Jay Plumbing Mahopac, NY Invoice: August 13, 2019	Carmel Water District #4 Well pump replacement	\$8,425.04
Bee & Jay Plumbing Mahopac, NY Invoice: October 4, 2019	Carmel Water District #7 Well pump replacement	\$11,819.54
New York Leak Detection, Inc Jamestown, NY Invoice: October 10, 2019	Carmel Water District #4 Leak Detection Services	\$6,400.00

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect payment for the aforesaid repair authorizations.

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>

COZEN O’CONNOR AUTHORIZED TO DEFEND ARTICLE 78 AND RELATED PROCEEDINGS IN THE MATTER OF MICHAEL A. BARILE AND TOMMY A. BONIELLO

RESOLVED that the Town Board of the Town of Carmel, hereby authorizes Cozen O’Connor to represent them in the Matter of Michael A. Barile and Tommy A. Boniello against Putnam County Department of Health, Town of Carmel and New York City Department of Environmental Protection pursuant to CPLR Article 78 and related proceedings.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

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

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Prior to the roll call vote, Supervisor Schmitt inquired if discussion had been held with the Putnam County Department of Health and the New York City Department of Environmental Protection with regard to their legal representation in defense of this Article 78 proceeding or if the Town of Carmel will be assuming this expense exclusively.

Councilwoman McDonough clarified that the resolution authorizes Cozen O'Connor to represent the Town of Carmel only.

Supervisor Schmitt inquired if a proposal was obtained from Cozen O'Connor specific to this Article 78 proceeding with respect to costs, separate from the proposal they submitted to the Town in connection with their current investigation with regard to 825 South Lake Boulevard.

Councilwoman McDonough stated that there was. She explained that the cost for their services will depend on certain variables such as whether or not the matter goes to court.

Supervisor Schmitt advocated for hiring a less costly local law firm to represent the Town with regard to this Article 78 proceeding.

Councilwoman McDonough explained that as previously discussed, Cozen O'Connor is already representing the Town in regard to the related issue and therefore it may not be cost effective because of the time it would take for a new law firm to be brought up to speed. A discussion ensued.

At the conclusion of the discussion held, Supervisor Schmitt asked if the Town Board members would be willing to table the resolution at this time to allow for the solicitation of proposals from other law firms. With no one expressing his or her agreement, Supervisor Schmitt called for the roll call vote.

PUBLIC COMMENTS - AGENDA ITEMS

Peter Gebhardt expressed his support of Supervisor Schmitt's efforts in attempting to seek competitive pricing with regard to the Town's legal representation defending the Article 78.

John Butler, hamlet of Carmel resident, strongly recommended bifurcating legal representation since Cozen O'Connor is engaged by the Town in a separate related investigation. He questioned how and why a "white shoe" law firm was chosen to represent the Town and how much has been spent on the investigation to date.

Councilwoman McDonough explained that an interim report on the investigation is expected from Cozen O'Connor by the end of this week. At that time, she will share all that is not privileged information. She indicated that their final report on the investigation should be provided by the middle of December.

Mr. Butler asked how Cozen O'Connor is billing the Town.

Councilwoman McDonough indicated that the Town has not received a bill for their services yet and that one is anticipated at the end of November.

Councilman Barile questioned why Cozen O'Connor was selected, noting that the law firm was previously under consideration by the Town Board as lobbyists for the water districts.

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Councilman-elect Frank Lombardi stated that as a practicing attorney, he would have welcomed the opportunity to review the Article 78. He suggested that in the future, non-pressing legal issues be adjourned for consideration by the Town Board until January, 2020, and pointed out that if both parties agreed, this Article 78 proceeding could be adjourned into January.

Councilman Lupinacci explained that the Article 78 is available for Councilman-elect Lombardi to review and agreed that the newly elected councilmen should be kept apprised of this type of information.

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 7:46 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk