

1 JULY 2020

**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 1st day of July 2020 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 Schanil, Councilman Barile, Councilman Lombardi, 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 in Executive Session at 6:00 p.m. to discuss the downtown Mahopac concept/design proposals presented on June 24, 2020, as well as to discuss the forthcoming Chief of Police vacancy.

PUBLIC HEARING HELD - CARMEL WATER DISTRICTS NOS. 2, 9, AND 14 - IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES - WATER TANKS AND RELATED EQUIPMENT ADDITIONAL COSTS

Supervisor Schmitt asked the Town Clerk to read the following Notice of Public Hearing as published in the Town's official newspapers:

LEGAL NOTICE
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Carmel, Putnam County, New York, will meet at the Town Hall, 60 McAlpin Avenue, in Mahopac, New York, on July 1, 2020, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a certain map, plan and report, including a revised estimate of cost, in relation to the proposed increase and improvement of the facilities of Carmel Water Districts Nos. 2, 9 and 14 in said Town, consisting in each district of the construction of improvements to the district water tank or shared water tank and related equipment and site improvements, including original furnishings, equipment, machinery, apparatus,

appurtenances, and incidental improvements and expenses in connection therewith, at a revised maximum estimated cost of \$2,762,615 to Carmel Water District No. 2, (an increase of \$1,200,000), \$40,184 to Carmel Water District No. 9, (an increase of \$22,500), and \$431,063 to Carmel Water District No. 14, (an increase of \$40,000).

Said capital projects have been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act ("SEQRA"), the implementation of which as proposed, said regulations provide will not result in any significant adverse environmental impacts. The map, plan

and report are available in the office of the Town Clerk, where they may be inspected during regular office hours.

At said public hearing said Town Board will hear all persons interested in the subject matter 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.

Dated: Mahopac, New York,
June 11, 2020

BY ORDER OF THE
TOWN BOARD OF THE
TOWN OF CARMEL,
PUTNAM COUNTY, NEW
YORK

Ann Spofford
Town Clerk

With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:15 p.m. Five (5) people were in attendance.

With no one present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Lombardi, seconded by Councilwoman McDonough, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:16 p.m.

PUBLIC INTEREST ORDER ADOPTED IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF FACILITIES OF CARMEL WATER DISTRICTS NOS. 2, 9, AND 14 - WATER TANKS AND RELATED EQUIPMENT ADDITIONAL COSTS

WHEREAS, by Order heretofore adopted, the Town Board of the Town of Carmel, Putnam County, New York, authorized an increase and improvement of the facilities of Carmel Water District Nos. 2, 9, and 14 in said Town, consisting in each district of the construction of improvements to the district water tank or shared water tank and related equipment and site improvements, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$1,562,615 to Carmel Water District No. 2, \$17,684 to Carmel Water District No. 9, and \$391,063 to Carmel Water District No. 14; and

(Cont.)

WHEREAS, by Order dated June 10, 2020, said Town Board called a public hearing for July 1, 2020 at 7:00 o'clock, p.m., on the question of the increase in the maximum estimated costs thereof to \$2,762,615 for Carmel Water District No. 2 (an increase of \$1,200,000), \$40,184 for Carmel Water District No. 9, (an increase of \$22,500), and \$431,063 for Carmel Water District No. 14, (an increase of \$40,000); and

WHEREAS, notice of said public hearing was duly published in the manner and within the time provided by law and such public hearing was duly held at the time and place specified in said notice at which all persons interested in the subject matter thereof were duly heard; and

WHEREAS, said Town Board has duly considered the evidence given at said public hearing; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of Carmel Water District Nos. 2, 9, and 14, in the Town of Carmel, Putnam County, New York, in the manner described in the preamble hereof, at a new maximum estimated cost of \$2,762,615 for Carmel Water District No. 2, \$40,184 for Carmel Water District No. 9, and \$431,063 for Carmel Water District No. 14

Section 2. This Order shall take effect immediately.

Resolution

Offered by: Councilman Schanil
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

CARMEL WATER DISTRICTS NOS. 2, 9, AND 14 - ISSUANCE OF BONDS OF THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK AUTHORIZED TO PAY FOR THE INCREASE AND IMPROVEMENT OF THE FACILITIES - WATER TANKS AND RELATED EQUIPMENT ADDITIONAL COSTS - OFFERED AS SUMMARIZED BY LEGAL COUNSEL AND PRE-FILED

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of Carmel Water District Nos. 2, 9 and 14, in the Town of Carmel, Putnam County, New York, being in each such district, the construction of improvements to the district water tank or shared water tank and related equipment and site improvements, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a revised aggregate maximum estimated cost of \$1,262,500 allocated between such districts as described therein; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to 6 NYCRR Part 617.5(c) (2) of the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which as such will not have any significant adverse impacts on the environment; and

WHEREAS, it is now desired to authorize such capital project and its financing; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

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(Cont.)

Section 1. For the class of objects or purposes of paying the additional costs of the increase and improvement of Carmel Water District Nos. 2, 9, and 14, in the Town of Carmel, Putnam County, New York, consisting in each district of the construction of improvements to the district water tank or shared water tank and related equipment and site improvements, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$1,262,500 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the aggregate maximum estimated cost of the aforesaid class of objects or purposes is now determined to be \$3,233,862, which class of objects or purposes is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is (a) by the issuance of the \$1,971,362 bonds of \$2,728,390 bonds of said Town heretofore authorized to be issued pursuant to bond resolution dated and duly adopted August 21, 2019; and (b) by the issuance of the \$1,262,500 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law, calculated from the date of issuance for the first obligations therefor. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Carmel Water District Nos. 2, 9, and 14 in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

(Cont.)

Section 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

MINUTES OF TOWN BOARD MEETING HELD ON 6/10/2020 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Lombardi, seconded by Councilwoman McDonough, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meeting held on June 10th, 2020 were accepted as submitted by the Town Clerk.

NOTICE REQUIREMENT WAIVED IN SECTION 64 OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE - BROOKLYN ORGANIC KITCHEN

WHEREAS, the representatives and/or proprietors of Brooklyn Organic Kitchen 890 South Lake Boulevard, Mahopac, NY 10541, have advised of the intention to apply for an on-premises liquor license for which thirty days advance notice of such application must be sent to the municipality, and

WHEREAS, the notice required by Article 5 of the Alcohol Beverage Control Law may be waived by the Town Board, and

WHEREAS, the Town of Carmel Town Board does not intend to comment upon the application referred to herein;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby waives the thirty-day notice requirement contained in Article 5 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding said application, for a liquor license at the premises referred to herein; and

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized to sign a Waiver of Said Notice on behalf of the Town of Carmel.

Resolution

Offered by: Councilman Schanil

Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

LAKE MAHOPAC PARK DISTRICT - MAILING OF NEWSLETTER AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel, acting as the Commissioners of the Lake Mahopac Park District, hereby authorizes the mailing of the 2020 newsletter as prepared by the Lake Mahopac Park District Committee to all properties within the district and further directs that the cost thereof be charged as a district expense.

Resolution

Offered by: Councilwoman McDonough

Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

PARTNERSHIP BETWEEN THE TOWN OF CARMEL AND THE TOWN OF KENT FOR SUBMISSION OF AN APPLICATION AUTHORIZED - EAST OF HUDSON COMMUNITY WASTEWATER PLANNING ASSISTANCE GRANT PROGRAM

WHEREAS, the Town of Carmel will partner with the Town of Kent to apply to the New England Interstate Water Pollution Control Commission (NEIWPCC) for a grant under the 2020 - 2021 East of Hudson Community Wastewater Planning Assistance Grant Program to seek funding to finance an engineering study that will evaluate wastewater solutions for Palmer Lake; and

(Cont.)

WHEREAS, the Town of Kent will be designated as the lead municipality and will produce the required engineering report for Palmer Lake; and

WHEREAS, the application requires dual authorization by both appropriate governing bodies in order to submit the application.

NOW, THEREFORE, BE IT RESOLVED that the Town Board for the Town of Carmel does hereby approve and endorse the Town of Kent’s application for a \$375,000 Community Wastewater Planning Assistance Grant to finance an engineering study that will evaluate wastewater solutions for Palmer Lake, and

BE IT FURTHER RESOLVED that, upon approval of the grant request, the Town of Kent will serve as the designated lead municipality and will provide the funded engineering study to NEIWPCC, in partnership with the Town of Carmel.

Resolution

Offered by: Councilman Lombardi

Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

BUILDING DEPARTMENT - REQUEST FOR PROPOSALS PURSUANT TO PROPERTY MAINTENANCE LAW AUTHORIZED - 112 WIXON POND ROAD (TM #65.5-1-51) AND 105 LONGDALE ROAD (TM #65.14-1-24)

RESOLVED that the Town Board of the Town of Carmel, in accordance with Chapter 114 of the Town of Carmel Town Code titled “Property Maintenance” hereby authorizes Town of Carmel Director of Codes Enforcement Michael Carnazza to solicit/request proposals for the cleanup and correction of Town Code violations existing for the properties located at 112 Wixon Pond Road (Town of Carmel Tax Map #65.5-1-51) and 105 Longdale Road (Town of Carmel Tax Map #65.14-1-24).

Resolution

Offered by: Councilman Barile

Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

HIGHWAY DEPARTMENT - EMERGENCY REPAIRS ACKNOWLEDGED - TRUCK #53 - STRONGHOLD INDUSTRIES

RESOLVED, that the Town Board of the Town of Carmel, hereby acknowledges the emergency repairs performed upon Highway Department Truck #53 from Stronghold Industries, Holmes, NY as fully detailed in the memorandum from Town Highway Superintendent, Michael Simone to the Town Board dated June 11, 2020, which is attached hereto and made a part thereof.

(Cont.)

Resolution
Offered by: Councilman Schanil
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<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: JUNE 11, 2020
RE: EMERGENCY PURCHASE REPORT

This is to report an emergency purchase as follows ~

VENDOR	Stronghold Industries	# 10313
AMOUNT	\$5,700.91	
PURCHASE	Lift Service	
VEHICLE	Truck #53 – 2009 Int’l Bucket Truck VIN 1HTMKAAN19H046742	
REASON FOR PURCHASE	Change out & service pins/hardware	

Tree truck was out of service and needed ASAP

cc Comptroller MaryAnn Maxwell

(Cont.)

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Stronghold Industries
5 Sybil Court
Holmes, NY 12531
aaron@strongholdny.com
914-235-8280



Invoice: 3212
Date: 4/20/2020

Bill To
Town of Carmel Highway Department
55 McAlpin Ave
Mahopac, NY 10541
P: 845-628-7474 F: 845-628-1471

Remit Payment To
Stronghold Industries
5 Sybil Court
Holmes, NY 12531

\$53

Service Order	Terms	Due Date	Authorizer	Customer PO	Unit #
3358	Net 30	5/20/2020			Altec Bucket Truck
Item	Description	Quantity	Rate	Amount	
Complaint: Metal-to-metal noise coming from scissor lift.					
Cause: Unknown					
Labor	Correction: Crane / Hardware / Set up and run unit to try and diagnose and recreate noise that operator was hearing. Find during diagnosis, small oil pan leak, passenger side fuel tank leak neak bracket, slight play n u-joint and bed support bracket has a crack. Rig boom to remove and hoist off of unit. Disconnect housing, hydraulic lines and electrical. Set boom on horses, and weld crack in bed support bracket. Cap and plug all hydraulic lines.	10.00000	\$125.00	\$1,250.00	
Parts	Can brake klean	1.00000	\$3.47000	\$3.47	
Parts	Zip Tie	10.00000	\$0.50000	\$5.00	
Parts	¼" JIC fitting	1.00000	\$5.71000	\$5.71	
Complaint: Remove scissor lift assembly.					
Cause: To assess where noise is coming from. (Inspection)					
Labor	Correction: Crane / Hardware / Work to remove pins to get the scissor lift off of the unit. Disconnect hydraulic lines to scissor, rig to be removed and hoist off unit and bring in shop. Begin to disassemble scissor unit. Remove pins and separate sections to inspect. Inspect pins and bushings for wear, all O.K. Start to reassemble.	10.00000	\$125.00	\$1,250.00	
Complaint: Reassemble scissor unit.					
Cause: To put back on truck. (Inspection)					
Labor	Correction: Crane / Hardware / Assemble scissor, prep and install back onto unit. Reinstall cylinder, connect all piston hydraulic lines to run and test. Run and test function, all O.K. Rig and hoist the boom back onto the scissor lift unit. Line up boom with base and bolt rotation bearing down. Fix start/stop wire from upper controls.	6.00000	\$125.00	\$750.00	
Parts	½"- 13x1.5 Bolt	1.00000	\$0.80000	\$0.80	
Parts	½" Flat Washer	2.00000	\$0.27000	\$0.54	

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Item	Description	Quantity	Rate	Amount
Parts	½" Nut	1.00000	\$0.43000	\$0.43
Parts	Can brake klean	1.00000	\$3.47000	\$3.47
Complaint: Finish assembly.				
Cause: Complete. (Inspection)				
Labor	Correction: Crane / Hardware / Change out rotation gear bolts and torque down. Powerwash unit to asses and leaks, none found. Grease unit nd check start/stop function from upper controls. Top off unit with hydraulic fluid and fix bad ground wire on back-up alarm. Run and test, all O.K.	16.00000	\$125.00	\$2,000.00

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Parts	Grade 9 Hex screws 3/4" c 3"	20.00000	\$11.21000	\$224.20
Parts	freight	1.00000	\$12.99000	\$12.99
Parts	ATF fluid /gal	1.00000	\$17.00000	\$17.00
Parts	Tube grease /ea	1.00000	\$8.63000	\$8.63
Parts	Butt connector /ea	5.00000	\$1.00000	\$5.00
Parts	12 Wire /ft	3.00000	\$1.00000	\$3.00

Unit: Altec Bucket Truck VIN: 1HTMKAAN19H046742
2009 International 4400
Chassis: 74,048 Miles

Shop Supplies	\$160.67
Pre Tax Total	\$5,700.91
Municipality/GOV (0.0000% of \$5,700.91)	\$0.00
Total	\$5,700.91
Payments & Credits	\$0.00
Balance Due	\$5,700.91



DONATION OF SICK TIME ACCEPTED BY TOWN OF CARMEL HIGHWAY EMPLOYEE

RESOLVED that the Town Board of the Town of Carmel approves the donation of eighty (80) hours of sick leave accruals from Employee No. 1765 to Employee No. 2791.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

CARMEL WATER DISTRICT #8 - PERFORMANCE OF EMERGENCY REPAIRS ACKNOWLEDGED

RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of the various water and sewer districts of the Town of Carmel, hereby acknowledges the emergency performance of water district collection system/distribution system and treatment facilities repairs, specifically those performed in Carmel Water District #8, as fully detailed in the memorandum of Town Engineer Richard J. Franzetti, P.E. to the Town Board dated June 15, 2020, which is attached hereto and made a part thereof.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Barile and Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

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(Cont.)

Richard J. Franzetti, P.E.
Town Engineer




(845) 628-1500
(845) 628-2087
Fax (845) 628-7085

Office of the Town Engineer
60 McAlpin Avenue
Mahopac, New York 10541

MEMORANDUM

To: Carmel Town Board

From: Richard J. Franzetti P.E. Town Engineer 

Date: June 15, 2020

Re: Emergency Repairs/Services

This memorandum is being presented to the Town Board to advise the Board of emergency invoices that were submitted for payment in excess of \$5,000.00 for services rendered. The following provides a brief a summary of the work that was performed.

- Carmel Water District 8 Curb Box Replacement

On June 4, 2020, Bee and Jay, the operator for the CWD 8 alerted the Engineering Department that there was a report of low water volume at the above address. Ed Kuck Excavating was called in to dig up the main, wet tap the saddle, run the service line to the curb box, backfill and restore the area. Attached is the invoice in the amount of \$5,897.24.00.

We request that this memorandum be put into the agenda as a matter of record.

Tel: (845) 628-1500 Fax: (845) 628-7085 email rjf@ci.carmel.ny.us

G:\Engineering\Town Board Emergency Invoices\06-24-2020 WS\06-15-2020 Repair Acknowledgement to TB.doc

Ed Kuck Excavating Inc
20 Day Road
Carmel, NY 10512

INV # TOC -040-20
CWD # 8
REQ #
Vendor 0670
Tax ID - 133851002

Attention: Rob Vera

EMERGENCY: LOW VOLUME WATER

Respond as per: BEE & JAY
Job Location: 23 KINGS RIDGE ROAD
Work Completed on: 6/4/2020
Start time:

End Time: 8 HOURS

Job Description:

DUG UP MAIN
WET TAP NEW SADDLE CONNECTION FOR HOUSE
RAN SERVICE LINE TO CURB BOX AND CONNECTED TO HOMEOWNERS SIDE
BACKFILLED, COMPACTED AND RESTORED AREA

(Cont.)

Materials / Equipment/ Labor	Total Hrs,yds,qty	Price per yd, qty, day	Total
Track Hoe MR55	8	\$85.00 per hour	680.00
Dump Truck	8	\$90.00 per hour	720.00
Support Vehicle	Day rate	\$155.00	155.00
Chop Saw	Day rate	\$ 70.00	
Jumping Jack	Day rate	\$70.00	70.00
Plate tamper	Day rate	\$70.00	
Mud Sucker	Day rate	\$70.00	
Locater	Day rate	\$70.00	
Machine Hammer	Day rate	\$250.00	250.00
Machine operator	8 Hrs X 1 man	\$184.18	1473.44
Laborers	8 Hrs X 2 men	\$159.30	2548.80
Item 4		\$40.00 per yard	
Seed	1/8 BAG	\$96.00 bag	
Top soil	1 YARD	\$50.00	
Blacktop		\$114.00 per ton	
Cold Patch		\$140.00 per ton	
Hay	½ BAG	\$15.36 bag	
Total			5,897.24

CARMEL WATER AND SEWER DISTRICT OPERATIONS AND MAINTENANCE - AMENDMENT OF CONTRACT AUTHORIZED - INFRAMARK, LLC

WHEREAS the Town Board of the Town of Carmel, acting as Commissioners of the various water and sewer districts of the Town of Carmel, has previously entered into a contract with Inframark, LLC for the operation and maintenance of Carmel Sewer Districts #1, #2, #3, #4, #5, #6, #7, #8 and Carmel Water Districts #2, #3 and #12 dated March 5, 2018;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of the aforementioned sewer and water districts hereby authorizes amendment of the referenced contract with respect to payment of prevailing wage rates for all public work performed under said contract, said amendment to be in form as attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, that Town Supervisor Kenneth Schmitt is hereby authorized to sign the aforesaid contract amendment.

Resolution

Offered by: Councilman Barile
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

FIRST AMENDMENT TO THE OPERATION AND MAINTENANCE AGREEMENT FOR WATER AND SEWER DISTRICTS BETWEEN INFRAMARK, LLC AND THE TOWN OF CARMEL

THIS FIRST AMENDMENT is entered into and effective on _____, 2020 (“Effective Date”) between the Town of Carmel (hereinafter referred to as the “Town”) and Inframark, LLC (hereinafter referred to as the “Operator”) for the purpose of adjusting Operator’s fees for work subject to prevailing wage rates as hereinafter set forth:

WITNESSETH THAT:

WHEREAS, on March 5, 2018, the Town and Operator entered into an agreement for the operation and maintenance of the Town's water and sewer districts (hereinafter referred to as the “Agreement”); and

WHEREAS, the Parties desire to execute this First Amendment to adjust the Operator’s fee for services performed that are subject to prevailing wage rates.

(Cont.)

1. The following shall be added to the Agreement as Section IX.E:

Notwithstanding any other provision of this Agreement, if Operator performs any Services subject to prevailing wage rates under Applicable Law, Operator shall be paid the rates as specified in Attachment A, Sections (c) and (d). All prevailing wage work shall be invoiced separately to the Town and will include certified payroll reports. The Town shall make such payment within thirty (30) days of the date of invoice from Operator. This hourly rate shall be increased annually on each anniversary of the commencement date by a flat rate of three percent (3%).

Unless required for emergency and off hour work, the Operator shall seek approval from the Town prior to performing Services subject to prevailing wage rates.

2. Section (c) of Attachment A to the Agreement shall be replaced in its entirety with the following:

All tasks subject to NYS prevailing wage rates will be invoiced separately to the Town of Carmel at the following hourly rate:

Mechanic and all Prevailing Wage work other than Utility Mark-outs:

\$175 per hour.

Applicable overtime premiums will be applied to the above rates in accordance with the terms and provisions of New York State Labor Law. Billing rates for utility mark-outs is based on the survey crew labor classification provided by NYSDOL.

3. Section (d) of Attachment A to the Agreement shall be replaced in its entirety with the following:

Utility mark-outs charged at \$120 per hour one hour minimum.

Applicable overtime premiums will be applied to the above rates in accordance with the terms and provisions of New York State Labor Law. Billing rates for utility mark-outs are based on the survey crew labor classification provided by NYSDOL.

4. All other terms and provisions of the Agreement remain in full force and effect to the extent that they do not conflict with this First Amendment. In the event of any conflict between the provisions of this First Amendment and the provisions of the Agreement, the provisions in this First Amendment will control.
5. The First Amendment is binding upon the parties hereto and their respective legal representatives, successors, and assigns.

WHEREAS, this First Amendment is effective upon execution by both parties.

IN WITNESS WHEREOF, the parties have duly executed this Agreement effective as of the Effective Date at the top of this First Amendment.

Town of Carmel

Inframark, LLC

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

1 JULY 2020
TOWN BOARD MEETING

PUBLIC HEARING SCHEDULED FOR 7/22/2020 - PROPOSED LOCAL LAW AMENDING CHAPTER 156 OF THE TOWN CODE OF THE TOWN OF CARMEL, ENTITLED "ZONING" - PARKING REQUIREMENTS FOR SHOOTING RANGE (PETITIONER - WILLOW WOOD COUNTRY CLUB, INC. D/B/A WILLOW WOOD GUN CLUB)

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing, to be held on the 22nd of July 2020 at 7:00 p.m. or as soon thereafter that evening as possible, on a Local Law amending Chapter 156 of the Town Code of the Town of Carmel, entitled "Zoning"; 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 Schanil
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

TOWN OF CARMEL
PROPOSED LOCAL LAW #____ OF THE YEAR 2020

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

SECTION 1: AUTHORITY

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

SECTION 2: AMENDMENT OF CHAPTER 156

- A. Chapter 156, of the Town Code of the Town of Carmel entitled "Zoning" specifically Article I §156-8 "Definitions" is hereby amended by the addition of the following:

SHOOTING RANGE – A public or private facility including a rifle or pistol shooting range, trap fields, skeet fields, five-stand field, sporting clays course and/or parcours de chasse designed for the purpose of providing a place for the recreational discharge of firearms.

SHOOTING STATION – A specific area within shooting range designed for the purpose of a person discharging a firearm from that specific location. Each of the five positions on a trap field, the five positions on a five-stand field or each cage on a sporting clays course, or each shooting lane on a rifle range shall constitute a shooting station.

- B. Chapter 156, of the Town Code of the Town of Carmel entitled "Zoning" specifically Article III §156-24 "Clubs", solely with respect to subsection "D" thereof, which is hereby amended to read as follows:
- D. (1) If the club is not a shooting range as defined in this Chapter, on-site paved parking spaces shall be provided at a ration of two (2) for each member household, plus one (1) space for each full-time employee.

(Cont.)

- (2) If the club is a shooting range as defined in this Chapter, on-site parking shall be provided at a ration of one and one-half (1 ½) parking spaces for each shooting station, plus one space for each full-time employee. The Planning Board shall determine the reasonable and appropriate number of additional parking spaces, if any, that shall be required for special events to be held at the shooting range taking into consideration all factors affecting the parking need during special events. The Planning Board may allow use of parking areas that are not fully improved to Town standards, such as lawn areas, but otherwise found suitable by the Town Engineer, or allow valet parking or other measures to provide for special overflow parking.

- C. Chapter 156, of the Town Code of the Town of Carmel entitled "Zoning" specifically Article IV §156-42 "Off-Street Parking and Loading" solely with respect to subsection §156-42(B) "Off-Street Parking Spaces" is hereby amended by the addition of the following parking requirements for "shooting range":

Land Use	Off-Street Parking Spaces Required
Shooting Range	One and one-half (1 ½) for each Shooting Station

SECTION 3: 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 4: 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 5: 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.

Councilman Schanil offered the aforementioned resolution as amended from originally drafted to replace "re-scheduling" with "scheduling".

PUBLIC COMMENTS - AGENDA ITEMS

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

PUBLIC COMMENTS - OPEN FORUM

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

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilwoman McDonough, with all Town Board members present and in agreement, the meeting was adjourned at 7:38 p.m. to a Special Work Session for John Robert Folchetti and Associates' Carmel Sewer District #5 Facility Plan presentation.

Respectfully submitted,

Ann Spofford, Town Clerk