

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 10<sup>th</sup> day of April 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 as well as for the three American service members recently killed when their convoy hit a roadside bomb in Afghanistan.

Supervisor Schmitt announced that the Town Board met at 6:00 p.m. in Executive Session for discussions with Highway Superintendent Michael Simone with regard to personnel, with Police Chief Michael Cazzari with regard to personnel, and with Labor Counsel Robert Guidotti, Esq. with regard to personnel.

Councilman Schneider offered the following fourteen (14) new certiorari settlements as summarized and pre-filed.

**SETTLEMENT OF LITIGATION AUTHORIZED - “PUTNAM COUNTY NATIONAL BANK V. THE TOWN OF CARMEL” - TAX ASSESSMENT FOR TM #44.18-1-2 - OFFERED AS SUMMARIZED AND PRE-FILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 66/2016, 1151/2016, 500623/2017 and 500967/2018 certain lawsuits entitled “Putnam County National Bank v. The Town of Carmel” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 44.18-1-2; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard T. Blancato, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard T. Blancato is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: Councilman Schneider  
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>  X  </u>	<u>          </u>	

**SETTLEMENT OF LITIGATION AUTHORIZED - “PUTNAM COUNTY NATIONAL BANK V. THE TOWN OF CARMEL” - TAX ASSESSMENT FOR TM #43-1-9 - OFFERED AS SUMMARIZED AND PRE-FILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 65/2016, 1147/2016 and 500625/2017 certain lawsuits entitled “Putnam County National Bank v. The Town of Carmel” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 43-1-9; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard T. Blancato, both of whom have recommended approval of the proposed settlement;

10 APRIL 2019  
TOWN BOARD SPECIAL MEETING

(Cont.)

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard T. Blancato is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: Councilman Schneider  
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>  X  </u>	<u>          </u>	

**SETTLEMENT OF LITIGATION AUTHORIZED - “PUTNAM COUNTY NATIONAL BANK V. THE TOWN OF CARMEL” - TAX ASSESSMENT FOR TM #44.18-1-3 - OFFERED AS SUMMARIZED AND PRE-FILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 1572/2014, 1145/2016, 500622/2017 and 500969/2018 certain lawsuits entitled “Putnam County National Bank v. The Town of Carmel” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 44.18-1-3; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard T. Blancato, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard T. Blancato is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: Councilman Schneider  
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>  X  </u>	<u>          </u>	

**SETTLEMENT OF LITIGATION AUTHORIZED - “PUTNAM COUNTY NATIONAL BANK V. THE TOWN OF CARMEL” - TAX ASSESSMENT FOR TM #44.18-1-4 - OFFERED AS SUMMARIZED AND PRE-FILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 1574/2014, 1154/2016, 500626/2017 and 500970/2018 certain lawsuits entitled “Putnam County National Bank v. The Town of Carmel” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 44.18-1-4; and

10 APRIL 2019  
TOWN BOARD SPECIAL MEETING

(Cont.)

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard T. Blancato, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard T. Blancato is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: Councilman Schneider  
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>  X  </u>	<u>          </u>	

**SETTLEMENT OF LITIGATION AUTHORIZED - “PUTNAM COUNTY NATIONAL BANK V. THE TOWN OF CARMEL” - TAX ASSESSMENT FOR TM #44.18-1-5 - OFFERED AS SUMMARIZED AND PRE-FILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 68/2016, 1153/2016, 500624/2017 and 500966/2018 certain lawsuits entitled “Putnam County National Bank v. The Town of Carmel” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 44.18-1-5; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard T. Blancato, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard T. Blancato is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: Councilman Schneider  
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>  X  </u>	<u>          </u>	

**SETTLEMENT OF LITIGATION AUTHORIZED - “PUTNAM COUNTY NATIONAL BANK V. THE TOWN OF CARMEL” - TAX ASSESSMENT FOR TM #44.18-1-23 - OFFERED AS SUMMARIZED AND PRE-FILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 67/2016, 1152/2016 and 500621/2017 certain lawsuits entitled “Putnam County National Bank v. The Town of Carmel” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 44.18-1-23; and

10 APRIL 2019  
TOWN BOARD SPECIAL MEETING

(Cont.)

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard T. Blancato, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard T. Blancato is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: Councilman Schneider  
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>    X    </u>	<u>          </u>	

**SETTLEMENT OF LITIGATION AUTHORIZED - “ESTATE OF MARIGRACE BLANKS V. THE TOWN OF CARMEL” - TAX ASSESSMENT FOR TM #44.18-1-36 - OFFERED AS SUMMARIZED AND PRE-FILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 64/2016, 1148/2016 and 500629/2017 certain lawsuits entitled “Estate of Marigrace Blanks v. The Town of Carmel” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 44.18-1-36; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard T. Blancato, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard T. Blancato is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: Councilman Schneider  
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>    X    </u>	<u>          </u>	

**SETTLEMENT OF LITIGATION AUTHORIZED - “PUTNAM COUNTY NATIONAL BANK V. THE TOWN OF CARMEL” - TAX ASSESSMENT FOR TM #44.9-1-8 - OFFERED AS SUMMARIZED AND PRE-FILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 58/2016, 1146/2016, 500620/2017 and 500968/2018 certain lawsuits entitled “Putnam County National Bank v. The Town of Carmel” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. No. 44.9-1-8; and

(Cont.)

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard T. Blancato, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard T. Blancato is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: Councilman Schneider  
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>  X  </u>	<u>          </u>	

**SETTLEMENT OF LITIGATION AUTHORIZED - “RYDER V. THE TOWN OF CARMEL” - TAX ASSESSMENT FOR TM #55.6-1-8 - OFFERED AS SUMMARIZED AND PRE-FILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 63/2016, 1150/2016 and 500628/2017 certain lawsuits entitled “Ryder v. The Town of Carmel” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 55.6-1-8; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard T. Blancato, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard T. Blancato is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: Councilman Schneider  
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>  X  </u>	<u>          </u>	

**SETTLEMENT OF LITIGATION AUTHORIZED - “RYDER V. THE TOWN OF CARMEL” - TAX ASSESSMENT FOR TM #55.6-1-11 - OFFERED AS SUMMARIZED AND PRE-FILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 500627/2017 a certain lawsuit entitled “Ryder v. The Town of Carmel” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 55.6-1-11; and

10 APRIL 2019  
TOWN BOARD SPECIAL MEETING

(Cont.)

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard T. Blancato, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard T. Blancato is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: Councilman Schneider  
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>    X    </u>	<u>          </u>	

**SETTLEMENT OF LITIGATION AUTHORIZED - “RYDER V. THE TOWN OF CARMEL” - TAX ASSESSMENT FOR TM #55.13-1-44 - OFFERED AS SUMMARIZED AND PRE-FILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 59/2016, 1149/2016 and 500631/2017 certain lawsuits entitled “Ryder v. The Town of Carmel” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 55.13-1-44; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard T. Blancato, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard T. Blancato is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: Councilman Schneider  
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>    X    </u>	<u>          </u>	

**SETTLEMENT OF LITIGATION AUTHORIZED - “RYDER V. THE TOWN OF CARMEL” - TAX ASSESSMENT FOR TM #66.-2-49 - OFFERED AS SUMMARIZED AND PRE-FILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 500630/2017 and 500965/2018 certain lawsuits entitled “Ryder vs. The Town of Carmel” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 66.-2-49; and

10 APRIL 2019  
TOWN BOARD SPECIAL MEETING

(Cont.)

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard T. Blancato, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard T. Blancato is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: Councilman Schneider  
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>    X    </u>	<u>          </u>	

**SETTLEMENT OF LITIGATION AUTHORIZED - “SAYED EL SHAKRY VS. THE TOWN OF CARMEL” - TAX ASSESSMENT FOR TM #65.19-1-10 AND TM #44.14-1-53 - OFFERED AS SUMMARIZED AND PRE-FILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 1175/2016, 500588/2017 and 500906/2018 certain lawsuits entitled “Sayed El Shakry vs. The Town of Carmel” regarding the tax assessments for the properties known and designated Town of Carmel Tax Map Nos. 65.19-1-10 and 44.14-1-53; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard T. Blancato, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard T. Blancato is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: Councilman Schneider  
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>    X    </u>	<u>          </u>	

**SETTLEMENT OF LITIGATION AUTHORIZED - “MICHAEL STERN AND NICOLE STERN VS. THE TOWN OF CARMEL” - TAX ASSESSMENT FOR TM #76.30-1-4 - OFFERED AS SUMMARIZED AND PRE-FILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 500494/2017 a certain lawsuit entitled “Michael Stern and Nicole Stern vs. The Town of Carmel” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 76.30-1-4; and

(Cont.)

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Joseph A. Charbonneau, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Joseph A. Charbonneau is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: Councilman Schneider  
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>  X  </u>	<u>          </u>	

Councilwoman McDonough offered the following nine (9) previously authorized certiorari settlements as summarized and pre-filed.

**RESOLUTION FROM 11/20/18 AMENDED - SETTLEMENT OF LITIGATION AUTHORIZED - “BERNARD SIMON AND RUTH SIMON VS. THE TOWN OF CARMEL” - TAX ASSESSMENT FOR TM #64.12-2-36 - OFFERED AS SUMMARIZED AND PRE-FILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 500433/2017 and 500810/2018 certain lawsuit entitled “Bernard Simon and Ruth Simon vs. The Town of Carmel” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 64.12-2-36; and WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Gregory L. Folchetti, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Gregory L. Folchetti is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: Councilwoman McDonough  
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>



**RESOLUTION FROM 11/20/18 AMENDED - SETTLEMENT OF LITIGATION  
AUTHORIZED - “MORTON TEICH VS. THE TOWN OF CARMEL” - TAX  
ASSESSMENT FOR TM #75.7-3-44 - OFFERED AS SUMMARIZED AND PRE-FILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 500432/2017 and 500812/2018 certain lawsuits entitled “Morton Teich vs. The Town of Carmel” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 75.7-3-44; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Gregory L. Folchetti, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Gregory L. Folchetti is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: Councilwoman McDonough  
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>

**RESOLUTION FROM 11/20/18 AMENDED - SETTLEMENT OF LITIGATION  
AUTHORIZED - “WILLIAM FRUMKIN AND JEAN FRUMKIN VS. THE TOWN OF  
CARMEL” - TAX ASSESSMENT FOR TM #75.8-2-19 - OFFERED AS SUMMARIZED  
AND PRE-FILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 500417/2017 and 500803/2018 certain lawsuit entitled “William Frumkin and Jean Frumkin vs. The Town of Carmel” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 75.8-2-19; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Gregory L. Folchetti, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Gregory L. Folchetti is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: Councilwoman McDonough  
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>

**RESOLUTION FROM 11/20/18 AMENDED - SETTLEMENT OF LITIGATION  
AUTHORIZED - “ROBERT FRENKEL VS. THE TOWN OF CARMEL” - TAX  
ASSESSMENT FOR TM #75.8-2-20 - OFFERED AS SUMMARIZED AND PRE-FILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 500403/2017 and 500804/2018 certain lawsuits entitled “Robert Frenkel vs. The Town of Carmel” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 75.8-2-20; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Gregory L. Folchetti, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Gregory L. Folchetti is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: Councilwoman McDonough  
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>

**RESOLUTION FROM 11/20/18 AMENDED - SETTLEMENT OF LITIGATION  
AUTHORIZED - “GERARD KRAUS AND CHRISTINE KRAUS VS. THE TOWN OF  
CARMEL” - TAX ASSESSMENT FOR TM #75.8-2-9 - OFFERED AS SUMMARIZED  
AND PRE-FILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 500423/2017 and 500805/2018 certain lawsuits entitled “Gerard Kraus and Christine Kraus vs. The Town of Carmel” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 75.8-2-9; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Gregory L. Folchetti, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Gregory L. Folchetti is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: Councilwoman McDonough  
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>

**RESOLUTION FROM 11/20/18 AMENDED - SETTLEMENT OF LITIGATION  
AUTHORIZED - “JAMES LIBBY AND PATRICIA LIBBY VS. THE TOWN OF  
CARMEL” - TAX ASSESSMENT FOR TM #76.5-1-24 - OFFERED AS SUMMARIZED  
AND PRE-FILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 500426/2017 and 500806/2018 certain lawsuits entitled “James Libby and Patricia Libby vs. The Town of Carmel” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 76.5-1-24; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Gregory L. Folchetti, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Gregory L. Folchetti is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: Councilwoman McDonough  
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>

**RESOLUTION FROM 11/20/18 AMENDED - SETTLEMENT OF LITIGATION  
AUTHORIZED - “FRANCIS MCGARRELL AND MARINA MCGARRELL VS. THE  
TOWN OF CARMEL” - TAX ASSESSMENT FOR TM #75.7-3-35 - OFFERED AS  
SUMMARIZED AND PRE-FILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 500428/2017 and 500807/2018 certain lawsuits entitled “Francis McGarrell and Marina McGarrell vs. The Town of Carmel” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 75.7-3-35; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Gregory L. Folchetti, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Gregory L. Folchetti is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: Councilwoman McDonough  
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>

**RESOLUTION FROM 11/20/18 AMENDED - SETTLEMENT OF LITIGATION  
AUTHORIZED - “IGNACIO MORALES AND MARGUERITE MORALES VS. THE  
TOWN OF CARMEL” - TAX ASSESSMENT FOR TM #76.5-1-34 - OFFERED AS  
SUMMARIZED AND PRE-FILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 500429/2017 and 500809/2018 certain lawsuits entitled “Ignacio Morales and Marguerite Morales vs. The Town of Carmel” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 76.5-1-34; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Gregory L. Folchetti, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Gregory L. Folchetti is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: Councilwoman McDonough  
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>

**RESOLUTION FROM 11/20/18 AMENDED - SETTLEMENT OF LITIGATION  
AUTHORIZED - “ROBERT RIEGGER VS. THE TOWN OF CARMEL” - TAX  
ASSESSMENT FOR TM #76.5-1-37 - OFFERED AS SUMMARIZED AND PRE-FILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 500430/2017 and 500811/2018 certain lawsuits entitled “Robert Riegger vs. The Town of Carmel” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 76.5-1-37; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Gregory L. Folchetti, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Gregory L. Folchetti is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: Councilwoman McDonough  
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 SCHEDULED FOR 5/1/19 - PROPOSED LOCAL LAW AMENDING CHAPTER 156 OF THE CODE OF THE TOWN OF CARMEL, ENTITLED "ZONING" - A LOCAL LAW REGULATING STORMWATER WITH RESPECT TO ILLICIT DISCHARGE AND ELIMINATION**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday May 1, 2019 at 7:00 p.m. or as soon thereafter that evening as possible, on a proposed Local Law amending Chapter 156 of the 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 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>

PROPOSED LOCAL LAW #\_\_\_ OF THE YEAR 2019  
A LOCAL LAW AMENDING CHAPTER 156 OF THE  
CODE OF THE TOWN OF CARMEL, ENTITLED "ZONING"  
A LOCAL LAW REGULATING STORMWATER WITH RESPECT  
TO ILLICIT DISCHARGE AND ELIMINATION

Chapter 156 of the Town of Carmel Town Code is hereby amended by the addition of the following:

**ARTICLE XII      STORMWATER CONTROL – ILLICIT DISCHARGE AND ELIMINATION**

**§156-100. PURPOSE/INTENT.**

The purpose of this law is to provide for the health, safety, and general welfare of the citizens of the Town of Carmel through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This law establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this law are:

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from VMS4s, Permit no. GP-02-02 or as amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;
- C. To prohibit Illicit Connections, Activities and Discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this law; and
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

(Cont.)

**§156-101. DEFINITIONS.**

Whenever used in this law, unless a different meaning is stated in a definition applicable to only a portion of this law, the following terms will have meanings set forth below:

- A. Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- B. Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. ' 1251 et seq.), and any subsequent amendments thereto.
- C. Construction Activity. Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
- D. Department. The New York State Department of Environmental Conservation.
- E. Design professional. New York State licensed professional engineer or licensed architect.
- F. Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- G. Illicit Connections. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:
  - 1. Any conveyances which allow any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
  - 2. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
- H. Illicit Discharge. Any direct or indirect non-stormwater discharge to the MS4, except as otherwise exempted within the provisions of this law.

10 APRIL 2019  
TOWN BOARD SPECIAL MEETING

(Cont.)

- I. Individual Sewage Treatment System. A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility, that treats sewage or other liquid wastes for discharge into the groundwater of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.
- J. Industrial Activity. Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.
- K. MS4. Municipal Separate Storm Sewer System.
- L. Municipal Separate Storm Sewer System. A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
  - 1. Owned or operated by the Town of Carmel;
  - 2. Designed or used for collecting or conveying stormwater;
  - 3. Which is not a combined sewer; and
  - 4. Which is not part of a Publicly Owned Treatment Works (POT.) as defined at 40CFR
- M. Municipality. The Town of Carmel.
- N. Non-Stormwater Discharge. Any discharge to the MS4 that is not composed entirely of stormwater.
- O. Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- P. Pollutant. Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.
- Q. Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- R. Special Conditions.
  - 1. Discharge Compliance with Water Quality Standards. The condition that applies where a municipality has been notified that the discharge of stormwater authorized under their MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
  - 2. 303(d) Listed Waters. The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.

**10 APRIL 2019  
TOWN BOARD SPECIAL MEETING**

(Cont.)

3. Total Maximum Daily Load (TMDL) Strategy. The condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a waterbody or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
  4. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any waterbody or watershed into which an MS4 discharges. Under this condition the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six (6) months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
- S. State Pollutant Discharge Elimination System. (SPDES) Stormwater Discharge Permit. A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.
- T. Stormwater. Rainwater, surface runoff, snowmelt and drainage.
- U. Stormwater Management Officer (SMO). An employee, the municipal engineer or other public official(s) designated by the Town of Carmel to enforce this local law. The SMO may also be designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.
- V. 303(d) List. A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.
- W. TMDL. Total Maximum Daily Load.
- X. Total Maximum Daily Load. The maximum amount of a pollutant to be allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.
- Y. Wastewater. Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

**§156-102. APPLICABILITY.**

This law shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

**§156-103. RESPONSIBILITY FOR ADMINISTRATION.**

The Stormwater Management Officer(s) (SMO(s)) shall administer, implement, and enforce the provisions of this law. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the municipality.



(Cont.)

**§156-104. SEVERABILITY.**

The provisions of this law are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this law.

**§156-105. DISCHARGE PROHIBITIONS.**

- A. Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in '156-95(B). The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:
- B. The following discharges are exempt from discharge prohibitions established by this local law, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
- C. Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that, such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this local law.
- D. Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.
- E. The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.
- F. Prohibition of Illicit Connections.
  - 1. The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
  - 2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
  - 3. A person is considered to be in violation of this local law if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

(Cont.)

**§156-106. PROHIBITION AGAINST FAILING INDIVIDUAL SEWAGE TREATMENT SYSTEMS**

- A. No persons shall operate a failing individual sewage treatment system in areas tributary to the municipality's MS4. A failing individual sewage treatment system is one which has one or more of the following conditions:
1. The backup of sewage into a structure.
  2. Discharges of treated or untreated sewage onto the ground surface.
  3. A connection or connections to a separate stormwater sewer system.
  4. Liquid level in the septic tank above the outlet invert.
  5. Structural failure of any component of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.
  6. Contamination of off-site groundwater.

**§156-107. PROHIBITION AGAINST ACTIVITIES CONTAMINATING STORMWATER**

- A. Activities that are subject to the requirements of this section are those types of activities that:
1. Cause or contribute to a violation of the municipality's MS4 SPDES permit.
  2. Cause or contribute to the municipality being subject to the Special Conditions as defined in Section 2 (Definitions) of this local law.
  3. Such activities include failing individual sewage treatment systems as defined in Section 7, improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.
- B. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

**§156-108. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.**

- A. Best Management Practices. Where the SMO has identified illicit discharges as defined in Section 2 or activities contaminating stormwater as defined in Section 8 the municipality may require implementation of Best Management Practices (BMPs) to control those illicit discharges and activities.
1. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and non-structural BMPs.

(Cont.)

2. Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge as defined in Section 2 or an activity contaminating stormwater as defined in Section 8, may be required to implement, at said person's expense, additional structural and non-structural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.
  3. Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
- B. Individual Sewage Treatment Systems - Response to Special Conditions Requiring No Increase of Pollutants or Requiring a Reduction of Pollutants Where individual sewage treatment systems are contributing to the municipality's being subject to the Special Conditions as defined in Section 2 of this local law, the owner or operator of such individual sewage treatment systems shall be required to:
1. Maintain and operate individual sewage treatment systems as follows:
    - a. Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within ten inches of the bottom of the outlet baffle or sanitary tee.
    - b. Avoid the use of septic tank additives.
    - c. Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and
    - d. Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items.
  2. Repair or replace individual sewage treatment systems as follows:
    - a. In accordance with 10NYCRR Appendix 75A to the maximum extent practicable.
    - b. A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:
      - i. Relocating or extending an absorption area to a location not previously approved for such.
      - ii. Installation of a new subsurface treatment system at the same location.
      - iii. Use of alternate system or innovative system design or technology.
    - c. A written certificate of compliance shall be submitted by the design professional to the municipality at the completion of construction of the repair or replacement system.

(Cont.)

**§156-109. SUSPENSION OF ACCESS TO MS4.** Illicit Discharges in Emergency Situations.

- A. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.
- B. Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this law may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the SMO.

**§156-110. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.**

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

**§156-111. ACCESS AND MONITORING OF DISCHARGES.**

- A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this Law, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Law.
- B. Access to Facilities.
  - 1 The SMO shall be permitted to enter and inspect facilities subject to regulation under this law as often as may be necessary to determine compliance with this Law. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
  - 2. Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this law.
  - 3. The municipality shall have the right to set up on any facility subject to this law such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.

(Cont.)

4. The municipality has the right to require the facilities subject to this law to install monitoring equipment as is reasonably necessary to determine compliance with this law. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
5. Unreasonable delays in allowing the municipality access to a facility subject to this law is a violation of this law. A person who is the operator of a facility subject to this law commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this law.
6. If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this law, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this law or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

**§156-112. NOTIFICATION OF SPILLS.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

**§156-113. ENFORCEMENT.**

- A. Notice of Violation. When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this law, he/she may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
  1. The elimination of illicit connections or discharges;
  2. That violating discharges, practices, or operations shall cease and desist;
  3. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
  4. The performance of monitoring, analyses, and reporting;
  5. Payment of a fine; and

(Cont.)

6. The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
- B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

**§156-114. APPEAL OF NOTICE OF VIOLATION.**

Any person receiving a Notice of Violation may appeal the determination of the SMO to the Town Board within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision, file its decision in the office of the municipal clerk and mail a copy of its decision by certified mail to the discharger.

**§156-115. CORRECTIVE MEASURES AFTER APPEAL.**

- A. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

**§156-116. INJUNCTIVE RELIEF.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this law. If a person has violated or continues to violate the provisions of this law, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

(Cont.)

**§156-117. ALTERNATIVE REMEDIES.**

- A. Where a person has violated a provision of this Law, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Municipal Attorney and concurrence of the Municipal Code Enforcement Officer, where:
1. The violation was unintentional.
  2. The violator has no history of pervious violations of this Law.
  3. Environmental damage was minimal.
  4. Violator acted quickly to remedy violation.
  5. Violator cooperated in investigation and resolution.

**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.

Legal Counsel Gregory Folchetti explained that the purpose of the proposed Local Law is to regulate stormwater with respect to illicit discharge and elimination, and comply with the terms of a recent municipal separate storm sewer system (MS4) audit. He added that the legislation is an exact copy of the model law proposed by the New York State Department of Environmental Conservation.

**ENTRY INTO AGREEMENT WITH COUNTY OF PUTNAM AND PUTNAM COUNTY  
SHERIFF'S OFFICE AUTHORIZED - PROVISION OF SPECIAL PATROL OFFICERS  
FOR THE TOWN HALL**

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the entry into an agreement with the County of Putnam and the Putnam County Sheriff's Office for the provision of Special Patrol Officers for the Town of Carmel Town Hall per said agreement as attached hereto and made a part thereof; and

BE IT FURTHER RESOLVED, that Town Supervisor Kenneth Schmitt is hereby authorized to sign said agreement and any related documentation thereto; and

BE IT FURTHER RESOLVED that Town Comptroller MaryAnn Maxwell is hereby authorized to make any and all necessary budget modifications required in connection with this authorization.

**Resolution**

Offered by: Councilman Barile

Seconded by: Councilman Lupinacci

(Cont.)

<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>

Contract #2019071

AGREEMENT

THIS AGREEMENT, made by and between the TOWN OF CARMEL, a municipal corporation located at 60 McAlpin Avenue, Mahopac, New York 10541 (hereinafter referred to as the “Town”), and the COUNTY OF PUTNAM, a municipal corporation organized and existing under the laws of the State of New York, having an office at 40 Gleneida Avenue, Carmel, New York 10512 (hereinafter referred to as the “County”) and THE SHERIFF OF PUTNAM COUNTY, a constitutional officer in and for the County of Putnam, having an office at 3 County Center, Carmel, New York 10512 (hereinafter referred to as the “Sheriff”).

WITNESSETH:

WHEREAS, the Town desires to obtain certain specified professional services from the County and the Sheriff as more fully set forth hereunder; and

WHEREAS, the County and the Sheriff are willing to provide such professional services on the terms and conditions set forth herein and for the compensation and consideration stated hereunder.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the parties agree as follows:

FIRST:       The County shall permit and the Sheriff shall furnish two (2) Special Patrol Officer (hereinafter “SPO”) to the Town to perform such services as more fully described in Schedule “A,” attached hereto and made a part hereof. The SPOs shall perform such services at the Carmel Town Hall, located at 60 McAlpin Avenue, Mahopac, New York 1054.

SECOND:     For the services rendered pursuant to paragraph “FIRST,” the Town shall pay the County as follows:

1.     a onetime payment of Two Thousand One Hundred Thirty Dollars (\$2,130.00) per individual SPO for services related to investigative background checks and purchasing. Should a replacement SPO be requested by the Town, other than for good cause shown, the Town agrees to compensate the County an additional \$2,130.00 for each such request; and



(Cont.)

2. an invoiced monthly payment consisting of :
  - a. Twenty-five Dollars (\$25.00) per hour per SPO for each hour the SPO(s) are carrying out his/her duties as set forth in Schedule "A" annexed hereto; and
  - b. The costs of equipment (uniforms, firearms, radio), FICA costs and other training costs; and
  - c. An annual supervisory administrative fee of Three Thousand Four Hundred Fifty-nine Dollars (\$3,459.00) to be paid monthly at the rate of Two Hundred Eighty-Eight and 25/100 (\$288.25) dollars.

The Town shall make payment for the services rendered pursuant to this Agreement by the thirtieth (30<sup>th</sup>) calendar day of the month following the month in which the services are rendered and invoiced. Prior to the making of any payments hereunder, the Town may, at its option and upon reasonable notice to the County and Sheriff, request a summary explaining the manner in which the monthly payment was determined. In the event the Town fails to make a scheduled payment within thirty (30) days of the due date, the County will, prior to terminating the Agreement, provide the Town with notice of the default and an opportunity to cure the default within fifteen (15) days thereafter.

2

THIRD: This Agreement shall commence on April 1, 2019 and terminate on March 31, 2020, unless otherwise extended by a written instrument signed by the parties hereto.

FOURTH: The SPO shall be selected by the Sheriff's Department, with close coordination and cooperation by the Putnam County Personnel Department.

FIFTH: The SPO shall at all times be an employee of the County and be under the general supervision of the Sheriff and shall follow all policies and procedures of the Sheriff's Department.

SIXTH: The SPO shall be assigned pursuant to a schedule that is determined at the discretion of the Town.

SEVENTH: Either party, upon sixty (60) days notice to the other, may terminate this Agreement, in whole or in part, when a party deems it to be in its best interest. In such event, the County shall be compensated and the Town shall be liable only for payment for services already rendered under this Agreement prior to the effective date of termination.

(Cont.)

Notwithstanding the notice requirements set forth above, if the Town terminates this Agreement, in whole or in part, without cause prior to the termination date set forth in paragraph "THIRD", the Town shall reimburse the County for all costs and liabilities associated with N.Y. Unemployment benefits for the contracted SPO(s) incurred by the County, if any, while in the process of reassigning the contracted SPO(s), if reasonably possible. In addition, should the Town select not to renew the Agreement at the conclusion of the Agreement term, and the Sheriff is unable to reassign the SPO(s) without incurring a layoff, the Town shall reimburse the County for all costs and liabilities associated with N.Y. Unemployment benefits incurred by the County, if any, for the contracted SPO(s) caused by the layoff of such SPO.

3

EIGHTH: Except as otherwise contemplated herein, neither party shall assign or sub-contract any of its obligations and/or responsibilities under this Agreement and any purported delegation of duties, assignment of rights or sub-contracting of responsibilities under this Agreement is void and shall be deemed a direct breach of this Agreement.

NINTH: In addition to, and not in limitation of, the insurance requirements contained in Schedule "B" entitled "Putnam County Insurance Requirements" attached hereto and made a part of this Agreement, the Town agrees to protect, defend, indemnify and hold the County and the Sheriff and its officers, employees and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings or causes of action of every kind and character in connection with or from those duties and services of the SPOs provided under this Agreement and/or performance hereof over which the Town retains direct control. The Town further agrees to indemnify the County and the Sheriff for any damage to County property which arises out of the performance of the services provided under this Agreement.

The parties acknowledge that for purposes of New York Workers' Compensation Law and/or Section 207-c of the General Municipal Law (if applicable), the SPOs are employees of the County. The County shall maintain the appropriate Worker's Compensation Insurance for the SPOs and provide the Town documentation of such coverage. The Town agrees to reimburse the County and/or Sheriff for any and all associated costs of Workers' Compensation and/or Section 207-c benefits (if applicable) incurred by the County and/or Sheriff for any injuries sustained by

(Cont.)

SPOs while on Town property and/or in the performance of his/her duties for the Town under this Agreement.

4

The County shall indemnify, defend and hold harmless the Town, its officers, employees and agents from and against any and all claims, suits, actions, causes of action, damages, judgments, liabilities, fines, penalties and expenses, including reasonable attorney fees and litigation costs arising out of or related to the services, acts or omissions of the SPOs over which the County retains direct control.

The County will be responsible to provide the Town proof of Professional Liability and Automobile insurance for SPOs' services provided under this Agreement. The Town will be named as an additional insured on the aforementioned policies.

TENTH: In connection with the performance of this Agreement, the County and Sheriff will comply with all applicable laws, regulations and orders, including, but not limited to, equal employment opportunity laws and regulations, as well as the Fair Labor Standards Act, to the extent required by law.

The parties hereto expressly agree that they shall be solely responsible for supervising their respective employees; that they shall respectively comply with all rules, regulations, orders, standards, and interpretations promulgated pursuant to the Occupational Health and Safety Act of 1970 and the Public Employees Safety and Health Act (hereinafter referred to as "PESH"), including but not limited to training; provision of personal protective equipment; adherence to all appropriate lockout/tagout procedures; and providing all notices, material safety data sheets, labels, etc. required by the right-to-know standard.

ELEVENTH: All notices of any nature referred to in this Agreement shall be in writing and sent by registered or certified mail, postage prepaid, to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing:

5

To the Town:

Kenneth Schmitt, Supervisor  
Town of Carmel  
60 McAlpin Avenue  
Mahopac, New York 10541

To the County:

Hon. Robert L. Langley, Jr., Sheriff  
Putnam County Sheriff's Department  
3 County Center  
Carmel, New York 10512

(Cont.)

With a copy to:

Jennifer S. Bungarner  
County Attorney  
48 Gleneida Avenue  
Carmel, New York 10512

TWELFTH: This Agreement and its attachments constitute the entire agreement between the parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

THIRTEENTH: Unless specifically provided by law, electronic signatures may be used in lieu of a signature affixed by hand. The use of said electronic signatures shall have the same force and effect of law and shall be deemed binding. Moreover, this contract shall not be deemed effective until fully executed by the Town, the required County signatories and the County Executive.

FOURTEENTH: This Agreement will be construed in accordance with the laws of the State of New York. All legal actions and/or proceedings arising out of this Agreement will be venued in Putnam County, New York.

6

FIFTEENTH: The Town is required to provide the following documents to the County before this Agreement will be finalized and/or executed by the County:

- Appropriate Certificate of Insurance, in accordance with paragraph "NINTH" of this Agreement and the requirements contained in Schedule "B".

IN WITNESS WHEREOF, the parties have executed this Agreement in Carmel, New York, on the date hereinabove set forth.

\_\_\_\_\_  
Date  
**TOWN OF CARMEL**  
60 McAlpin Avenue  
Mahopac, New York 10541

By: \_\_\_\_\_  
Please Print Name & Title

***ACKNOWLEDGMENT OF THE TOWN:***

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019 before me personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that s/he executed the same in his/her capacity as \_\_\_\_\_ of \_\_\_\_\_ and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

7

**SPO**  
**SCOPE OF SERVICES**

**A Special Patrol Officer's typical work duties include, but are not limited to, the following:**

- Provides security by standing in and patrolling public buildings and facilities, such as school district buildings, including interior spaces as well as immediate outside areas;
- Protects and guards employees, students, visitors, and the general public in and around public buildings, facilities and properties;
- Physically restrains unruly individuals, as needed;
- Provides general information to visitors and the general public on premises;
- Checks identification and other necessary documents, as needed;
- Safeguards public property;
- Provides assistance in emergency situations;
- Maintains and updates records as required;
- Prepares activity and incident reports;
- Distributes and posts appropriate documents and materials;
- May provide escort to and from public buildings and facilities, as needed;
- Performs a variety of related activities as required.



10 APRIL 2019  
TOWN BOARD SPECIAL MEETING

(Cont.)

## SCHEDULE B

### PUTNAM COUNTY INSURANCE REQUIREMENTS

THE FOLLOWING MUST APPEAR ON EACH INSURANCE CERTIFICATE:

UNDER THE CERTIFICATE HOLDER SECTION:

COUNTY OF PUTNAM  
48 GLENEIDA AVENUE  
CARMEL, NEW YORK 10512  
ATTN.: LAW DEPT./RISK MANAGER

ADDITIONALLY, IN THE SPACE (DESCRIPTION OF OPERATIONS/LOCATIONS)  
ON THE INSURANCE CERTIFICATE, IT MUST BE NOTED AS FOLLOWS:

*"PUTNAM COUNTY IS INCLUDED AS AN ADDITIONAL INSURED except for  
Professional Liability and Workers' Comp."*

It is the requirement of the County of Putnam and/or Putnam County Highway Department that for work performed under contract and/or permit authorized by the County and/or Highway Department and/or any event or performance conducted on County property that the contractor or permittee procure and maintain at their own expense and without expense to the County, until final acceptance of the work by the County, the insurances listed below.

Before commencement of any work, event or performance a certificate or certificates of insurance must be furnished to the County and/or Highway Department in forms satisfactory to the County and/or Highway Department.

All insurance coverages must be from an A.M. Best Rated "secured" (B++-A++), New York State admitted insurer.

All certificates of insurance must provide that the policy or policies shall not be changed or canceled until at least thirty (30) days prior written notice has been given to the County and/or Highway Department.

When required by the Highway Department the "XCU" exclusion of the policy or policies shall be eliminated or show proof that "XCU" is covered.

The Contractor shall provide and maintain at its own expense the following  
minimum insurance coverage:

- A. Workers' Compensation Insurance - This is statutorily required and is required for all contracts. Each policy must cover all operations and all locations involved in the contract. If applicable, the policy should also include New York State Disability Benefits. Proof of Workers' Compensation Insurance is required and should be received by Putnam County on a C105.2 form, SI 12 form, form or U-26.3 - all of these forms are available through your carrier.
- B. Commercial General Liability - covering all operations and all locations involved in the contract, including the following coverages:  
\$2,000,000 General Aggregate  
5,000 Medical Expense Limit  
\$1,000,000 Personal & Advertising Injury Limit  
\$1,000,000 Each Occurrence  
\$2,000,000 Products/Completed Operations Aggregate  
\$50,000 Fire Damage Legal Liability Limit
- C. Commercial Automobile Liability - Covering all operations and locations involved in the contract, including the following coverages:  
(1) Owned Automobiles                      (2) Hired Automobiles                      (3) Non-Owned Automobiles  
Unless specifically required, each policy shall provide limits of not less than \$1,000,000 Combined Single Limits for Bodily Injury and Property Damage.
- D. If applicable, Professional Liability (errors and omissions) in the amount of at least \$1,000,000 per claim.
- E. Excess Liability or Umbrella Policy  
Limits depending on the following contract size  
\$100,000 - \$250,000 - 1 million  
\$250,001 - \$500,000 - 5 million  
\$500,000+                      10 million
- F. Bid, Performance/Payment, Labor & Material Bonds  
Required for any contract in excess of \$250,000. These bonds shall be provided by a New York State admitted surety company in good standing. Only the (AIA) - The American Institute of Architects- A312 form- will be accepted. In addition, pursuant to NYS Insurance Law Section 1111 all bonds must include a certificate of solvency for the surety which shall be updated annually. In addition, the Surety must be on the U.S. Treasury List (Circular 570) of acceptable sureties.

(Cont.)

STANDARD INSURANCE REQUIREMENTS AND INDEMNIFICATION REQUIREMENT:

All policies and certificates of insurance of the contractor shall contain the following clauses:

- 1. Putnam County is named as an additional insured and as Certificate Holder. Insurers shall have no right of recovery or subrogation against the County of Putnam (including its agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above described insurance.
- 2. The Clause "other insurance provisions" in a policy in which the County of Putnam is named as an additional insured, shall not apply to the County of Putnam.
- 3. The insurance companies issuing the policy or policies shall have no recourse against the County of Putnam (including its agents or agencies) for payment of any premiums or for assessments under any form of policy.
- 4. Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the risk of the contractor.

Supervisor Schmitt explained that two Special Patrol Officers are being assigned to Town Hall to protect the staff as well as the visiting general public given that several threatening incidents have occurred in the last two years. Supervisor Schmitt confirmed that these uniformed officers will be notified to commence their duties on the Monday following the adoption of this resolution.

**ADVERTISEMENT FOR BIDS AUTHORIZED - PURCHASE AND INSTALLATION OF A ROOFTOP AIR CONDITIONING UNIT IN TOWN HALL MEETING ROOM**

RESOLVED that, pursuant to the recommendation of Town Engineer Richard J. Franzetti, P.E., the Town Board authorizes hereby authorizes Town Clerk Ann Spofford to advertise for bids for the purchase and installation of a rooftop air conditioning unit to replace the unit currently servicing the Town of Carmel Town Hall Meeting Room at the 60 McAlpin Avenue location; and

BE IT FURTHER RESOLVED that the detailed specifications are to be furnished for the above to Town Clerk Ann Spofford to be used in conjunction with the Town's general bid conditions and specifications.

Resolution

Offered by: Councilman Schneider  
Seconded by: Councilwoman McDonough

<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>

Councilman Schneider referenced the heating and cooling issues throughout the individual offices in the Town Hall building.

Supervisor Schmitt pointed out that the particular air conditioning unit being considered for the main meeting room can also provide heat and that \$75,000.00 is included in the 2019 Budget in anticipation of the expense.

**PUBLIC COMMENTS**

Joseph Schultz, Rockledge Road addressed ongoing issues and concerns with regard to the valuation of the waterfront homes along Lake Mahopac after the 2017 town wide reassessment. Mr. Schultz requested to be provided with the model used to perform the calculations to derive the assessed values in connection with the current year's assessment rolls.

10 APRIL 2019  
TOWN BOARD SPECIAL MEETING

(Cont.)

Councilman Schneider suggested that Town Assessor Glenn Droese and the vendor who assisted with the town wide reassessment GAR Associates, be asked to provide a presentation at a future Work Session detailing how their calculations were reached.

Councilman Barile pointed to the residents in attendance at this meeting seeking information and cited the impending deadline concerning the tentative assessment roll.

Town Assessor Glenn Droese was called upon to present the ~~time~~line for the adoption of this year's assessment roll and responded to questions from members of the Lake Mahopac waterfront community as well as the Town Board.

At the conclusion of the discussion held, it was decided that the matter will be included on the May 8, 2019 Work Session agenda, along with an update with regard to the deteriorating condition of Lake Mahopac.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Lupinacci, seconded by Councilwoman McDonough, with all Town Board members present and in agreement, the meeting was adjourned at 8:21 p.m.to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk