

KENNETH SCHMITT
Town Supervisor

TOWN OF CARMEL
TOWN HALL

ANN SPOFFORD
Town Clerk

SUZANNE MC DONOUGH
Town Councilwoman
Deputy Supervisor

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KATHLEEN KRAUS
Receiver of Taxes

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

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

TOWN BOARD VOTING MEETING
Wednesday, February 21, 2018 7:00pm

Pledge of Allegiance – Moment of Silence

Town Board Voting Meeting:

- Accept Town Board Minutes January 10, 17, 2018
- 1. Res: Appointing Counsel Tax Certiorari Proceedings
- 2. Res: Declaring Certain Equipment Obsolete and Authorizing Disposal
- 3. Res: Authorizing Acceptance of Proposal for Appraisal Services
- 4. Res: Authorizing Extension of Contract for Operation and Maintenance Services – Carmel Sewer Districts #'s 1,2,3,4,5,6,7 and 8 and Carmel Water Districts #'s 2,3, and 12
- 5. Res: Authorizing Advertising for Bids Summer Bus Transportation Program Department of Recreation and Parks
- 6. Res: Releasing Bond McDonalds, USA, LLC TM#55.11-1-4
- 7. Res: Authorizing Award of Contract for Purchase of Deicer Solution – Town of Carmel Highway Department
- 8. Res: Accepting Proposal for Hazard Classification Studies and Emergency Action Plans – Lake Casse Dam, Upper Teakettle and Lower Teakettle Dams
- 9. Res: Authorizing Payment for Emergency Repairs – Various Town of Carmel Water and Sewer Districts
- 10. Res: Accepting Terms of Award Set forth in the 2013-1024 Collective Bargaining Agreement with the Town of Carmel and Town of Carmel PBA
- 11. Res: Amending Prior Resolution Water District #2 Water Main Replacement Project
- **Public Comment (Three (3) Minutes on Agenda Items Only)**
- **Town Board Member Comments**
- **Open Forum:**
- **Public Comments on New Town Related Business (Three (3) Minutes Maximum per Speaker for Town Residents, Property Owners & Business Owners Only)**
- **Town Board Member Comments**
- **Adjournment**

Executive Session:

1. Greg Folchetti, Town Legal Counsel – Litigation Update- Lake Mahopac Dam
2. Discussion of Proposal – Highway Personnel
3. Police Chief Michael Cazzari and Lt. John Dearman – Personnel Updates

RESOLUTION #1

RESOLUTION APPOINTING COUNSEL TAX CERTIORARI PROCEEDINGS

RESOLVED, the Town Board of The Town of Carmel hereby appoints Joseph A. Charbonneau, Esq. 3 Starr Ridge Road, Brewster, NY , NY as counsel for the Town of Carmel in the matter of Stern vs. The Town of Carmel, Putnam County Supreme Court Index No. 500494/2017; and

BE IT FURTHER RESOLVED that said legal services are hereby approved at a rate of \$205.00 per hour.

Resolution

Offered by: _____

Seconded by:_____

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

RESOLUTION #2

RESOLUTION DECLARING CERTAIN EQUIPMENT OBSOLETE AND AUTHORIZING DISPOSAL

RESOLVED that, the Town Board of the Town of Carmel hereby declares the following vehicle to be obsolete and authorizes its disposal in accordance with Town Law, including but not limited to Town Law §64(2-a):

•2004 Ford Crown Victoria VIN # 2FAHP71W54X143386

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #3

RESOLUTION AUTHORIZING ACCEPTANCE OF PROPOSAL FOR APPRAISAL SERVICES

WHEREAS the Town Board of the Town of Carmel has been advised by Town Assessor Glenn Droese that professional appraisal services will be required in the defense of certain tax certiorari proceedings currently pending in Supreme Court, Putnam County, specifically the matters of R Lester, LLC v. Town of Carmel, filed under Index Nos. 1424/2015; 944/2016 and 500400/2017; and

WHEREAS the Town Assessor has procured proposals from various professional real property appraisal services and has recommended acceptance of the proposal submitted by Greystone Valuation Group, Inc. Bedford, NY dated January 22, 2018;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel in accordance with the recommendation of the Town Assessor hereby accepts the referenced proposal of Greystone Valuation Group, Inc. to prepare an appraisal report for said matters at cost not to exceed \$5,500.00 and for trial testimony from Greystone Valuation Group, Inc. at a rate of \$1,400.00 per day if necessary all in accordance with the terms of the proposal referenced above; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all budget transfers or modifications necessary to fund the services authorized herein.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #4

RESOLUTION AUTHORIZING EXTENSION OF CONTRACT FOR OPERATION AND MAINTENANCE SERVICES CARMEL SEWER DISTRICTS #1, #2, #3, #4, #5, #6, #7 AND #8 CARMEL WATER DISTRICTS #2, #3 AND #12

RESOLVED, that the Town Board of the Town of Carmel, action as Commissioners of the eight duly-formed Sewer Districts of the Town of Carmel, and acting as Commissioners of Carmel Water Districts #2, #3 and #12, hereby authorizes entry into extension of the existing contract for operation and maintenance services for the referenced sewer districts and water districts with Inframark, LLC (formerly known as Severn Trent Environmental Services) through and including March 31, 2018; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute such extension agreement as authorized herein.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #5

RESOLUTION AUTHORIZING ADVERTISING FOR BIDS SUMMER BUS TRANSPORTATION PROGRAM DEPARTMENT OF RECREATION AND PARKS

RESOLVED that, pursuant to the request of James R. Gilchrist, Director of Recreation and Parks, Town Clerk Ann Spofford is hereby authorized to advertise for bids for bus transportation for the Town of Carmel Recreation and Parks 2018 Summer Camp Program; and

BE IT FURTHER RESOLVED that the Director of Recreation and Parks is to furnish detailed specifications for the above to the Town Clerk to be used in conjunction with the Town's general bid conditions and specifications.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #6

RESOLUTION RELEASING BOND MCDONALDS USA, LLC TM # 55.11-1-41

WHEREAS applications have been made by McDonalds, USA/McDonald's Real Estate Company for the total release of a bond posted in accordance with Chapter 131 and/or Chapter 156 of the Town Code regarding the property known and designated as Town of Carmel Tax Map 55.11-1-41 located at 1931 Route 6 Carmel, NY; and

WHEREAS said applications have been reviewed by the Planning Board and The Office of the Town Engineer, both of which have recommended the release of said bonds;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the bond referenced herein specifically Liberty Mutual Insurance, Bond No. 404008034 in the amount of \$320,000.00.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #7

RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR PURCHASE OF DEICER SOLUTION TOWN OF CARMEL HIGHWAY DEPARTMENT

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes the award of bid contract for purchase of sugar-beet based de-icer solution to be utilized on Town of Carmel roads during the contract period of August 22, 2017 through August 21, 2018 from Trius, Inc, Bohemia, NY under Putnam Suffolk County Bid No. 9-17.4.13.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #8

RESOLUTION ACCEPTING PROPOSAL FOR HAZARD CLASSIFICATION STUDIES AND EMERGENCY ACTION PLANS LAKE CASSE DAM UPPER TEAKETTLE AND LOWER TEAKETTLE DAMS

RESOLVED, the Town Board of the Town of Carmel, upon the recommendation of Town Engineer Richard J. Franzetti, P.E. and as Commissioners of the Lake Casse Park District and the Lake Teakettle Park District, hereby accepts the proposal of Woidt Engineering, Binghamton, NY for performance of Hazard Classification Studies and Emergency Action Plans for the Lake Casse Dam and the Lake Teakettle Dams; and

BE IT FURTHER RESOLVED that Hazard Classification Studies are hereby authorized at a cost not to exceed \$4,833.33 per dam and \$14,000 in the aggregate for all three dams referenced herein; and

BE IT FURTHER RESOLVED, that Emergency Action Plans, if deemed necessary shall be authorized at a cost not to exceed \$16,500 per dam and \$49,500 in the aggregate for all three dams referenced herein; and

BE IT FURTHER RESOLVED expenditures authorized herein shall be apportioned to the respective Park Districts for which each such Classification Study and/or Emergency Action Plan shall be prepared; and

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

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #9

RESOLUTION AUTHORIZING PAYMENT FOR EMERGENCY REPAIRS VARIOUS TOWN OF CARMEL WATER AND SEWER DISTRICTS

RESOLVED, the Town Board of the Town of Carmel, upon the recommendation of Town Engineer Richard J. Franzetti, P.E. and as Commissioners of the various water and sewer districts within the Town of Carmel hereby authorizes payment for the following emergency repairs performed within said water and/or sewer districts:

- Carmel Water District #2 to Ed Kuck Excavating, Carmel, NY the sum of \$5,157.00 for repairs performed on or about January 3, 2018;
- Carmel Water District #1 to Ed Kuck Excavating, Carmel, NY the sum of \$6,806.00 for repairs performed on or about January 6, 2018;
- Carmel Sewer District #6 to Ed Kuck Excavating, Carmel, NY the sum of \$6,080.00 for repairs performed on or about January 13, 2018;
- Carmel Water District #9 to Bee & Jay Plumbing, Mahopac, NY the sum of \$18,141.00 for repairs performed on or about January 21 2018;
- Carmel Water District #12 to Bee & Jay Plumbing, Mahopac, NY the sum of \$10,194.54 for repairs performed on or about January 22 2018;
- Carmel Sewer District #2 to Empire State Electric Motors, Goshen, NY the sum of \$6,118.00 for repairs performed on or about February 2, 2018; and

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

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #10

RESOLUTION ACCEPTING TERMS OF AWARD SET FORTH IN THE 2013-2014 COLLECTIVE BARGAINING AGREEMENT WITH THE TOWN OF CARMEL AND THE TOWN OF CARMEL PBA

WHEREFORE, the Town of Carmel Police Department and the Town of Carmel Police Benevolent Association, Inc. ("PBA") were parties to a Collective Bargaining Agreement that expired on December 31, 2012; and

WHEREFORE, the Parties were unable to agree to the terms of a successor agreement and submitted the dispute to interest arbitration before the Public Employment Relations Board pursuant to the New York State Taylor Law; and

WHEREFORE, on November 23, 2015, following a hearing, the panel of arbitrators issued an Award settling the dispute and setting forth certain terms and conditions of employment for PBA members for the period of January 1, 2013, through December 31, 2014; and

WHEREFORE, the Town is bound by the Award pursuant to the Taylor Law; and

WHEREFORE, the Parties thereafter prepared a successor Collective Bargaining Agreement for the term of January 1, 2013, through December 31, 2014, incorporating the terms of the Award;

NOW THEREFORE BE IT RESOLVED that the Town Board hereby formally accepts the terms of the Award, as set forth in the 2013-14 Collective Bargaining Agreement; and

BE IT FURTHER RESOLVED the Supervisor shall execute the Collective Bargaining Agreement incorporating the terms of the Award on behalf of the Town Board for the Town of Carmel.

Resolution

Offered by: _____

Seconded by: _____

Roll Call Vote

YES

NO

Michael Barile

Jonathan Schneider

John Lupinacci

Suzanne McDonough

Kenneth Schmitt

RESOLUTION #11

RESOLUTION AMENDING PRIOR RESOLUTION CARMEL WATER DISTRICT #2 WATER MAIN REPLACEMENT PROJECT

WHEREAS that the Town Board of the of the Town of Carmel, acting as Commissioners of Carmel Water District #2 previously awarded the contract for replacement of approximately 12,600 linear feet of iron and/or ductile iron water main, valves, hydrants, etc, within the Gleneida Ridge, Glenvue Road and Route 301 regions of Carmel Water District #2 to Legacy Valve, LLC, Valhalla, NY; and

RESOLVED, that the name of the contractor/vendor is hereby amended to Legacy Supply, LLC, Valhalla, NY; and

BE IT FURTHER RESOLVED upon receipt of insurance certificates in form acceptable to Town Counsel the work activities authorized in this resolution shall be permitted to commence.

Resolution

Offered by: _____

Seconded by: _____

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