

KENNETH SCHMITT
Town Supervisor

TOWN OF CARMEL
TOWN HALL

ANN SPOFFORD
Town Clerk

FRANK D. LOMBARDI
Town Councilman
Deputy Supervisor

60 McAlpin Avenue
Mahopac, New York 10541

KATHLEEN KRAUS
Receiver of Taxes

JOHN D. LUPINACCI
Town Councilman
SUZANNE MC DONOUGH
Town Councilwoman
JONATHAN SCHNEIDER
Town Councilman

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

TOWN BOARD VOTING MEETING
Wednesday, October 18, 2017 7:00pm

Pledge of Allegiance – Moment of Silence

Town Board Voting Meeting:

1. Res: Calling Bond of PC Homes, LLC and PC Development Group, Inc.
2. Res: Adopting the (Amended) Tentative Budget as the Preliminary Budget F/Y 2018
3. Res: Authorizing the Scheduling of Public Hearing in Connection with the Preliminary Budget F/Y 2018
4. Res: Authorizing the Scheduling of Public Hearing on Fire Protection and Ambulance District Contracts (November 8, 2017)
5. Res: Accepting Proposal for Purchase of Copy Machine Town of Carmel Recreation Department
6. Res: Authorizing Advertisement for Bid (2 HP G-10 Servers)
7. Res: Authorizing Advertisement for Bid (Town Hall Cleaning Services)
8. Res: Declaring Certain Equipment Obsolete and Authorizing Disposal
9. Res: Authorizing Return of Copying Fee – Town of Carmel Building Department
10. Res: Accepting Proposal for Monitoring Services for 2018 Assessment Roll
11. Res: Authorizing Settlement of Agreement

- **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. Personnel

RESOLUTION #1

RESOLUTION CALLING BOND OF PC HOMES, LLC AND P.C. DEVELOPMENT GROUP, INC.

WHEREAS PC Homes, LLC and P.C. Development Group, Inc., and/or their successors and assigns have failed to perform the actual work and installations required in connection with the Baldwin Meadows Subdivision approval, Town of Carmel Tax Map. No. 86.6-1-1, and/or have failed to comply with all the terms and conditions of the approval with respect to said work and improvements and installations required in connection therewith; and

WHEREAS PC Homes, LLC posted a Subdivision Bond, Bond No. 41007275, which was issued by Platte River Insurance Company P.O. Box 5900 Madison, WI 53705-0900 in the amount of \$512,720.00 indemnifying and guaranteeing the Town of Carmel against the failure of PC Homes, LLC to perform said obligations; and

WHEREAS, Platte River Insurance Company issued a continuation certificate with respect to Bond NO. 410072575 on or about March 21, 2006 in the amount of \$149,880.00 indemnifying and guaranteeing the Town of Carmel against the failure of PC Homes, LLC and P.C. Development Group, Inc., and/or their successors and assigns and to perform said obligations;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby calls Bond 41007275 issued by Platte River Insurance Company posted by PC Homes, LLC and P.C. Development Group, Inc. and demands that the Surety perform said work identified as the responsibility of PC Homes, LLC and P.C. Development Group, Inc. to enable the dedication of all roads, infrastructure and utilities proposed to be dedicated in the Baldwin Meadows Subdivision approval; and

BE IT FURTHER RESOLVED that Town Counsel, Gregory L. Folchetti, is to notify Platte River Insurance Company of the calling of its bond and forward to it a certified copy of this resolution with any necessary attachments.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #2

RESOLUTION ADOPTING THE (AMENDED) TENTATIVE BUDGET AS THE PRELIMINARY BUDGET

RESOLVED that the Town Board of the Town of Carmel hereby adopts the Town Supervisor's Tentative Budget (as amended by the attached schedules) as the Preliminary Budget for fiscal year 2018.

Resolution

Offered by: _____

Seconded by: _____

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

TOWN OF CARMEL 2018 BUDGET ADJUSTMENTS PRELIMINARY 10/16/17

TOWN OF CARMEL 2018 BUDGET ADJUSTMENTS TENTATIVE - PRELIMINARY			Total
Adjustments Tentative to Preliminary			
* Increase Elected Officials/Management Salary			
Act code 1010.10	Town Board	2,245	
Act code 1010.11	Asst to Tn Board	14	
Act code 1110.10	Justice	2,594	
Act code 1220.10	Supervisor	7,145	
Act code 1340.10	Budget Officer	(3,000)	
Act code 1220.11	Conf Secretary	7,078	
Act code 1315.10	Comptroller	8,147	
Act code 1330.10	Receiver of Taxes	3,324	
Act code 1330.11	Deputy Receiver of Taxes	2,470	
Act code 1355.10	Town Assessor	3,071	
Act code 1410.10	Town Clerk	2,897	
Act code 1410.11	Deputy Town Clerk	1,874	
Act code 1440.10	Town Engineer	7,941	
Act code 3120.11	Chief of Police	5,568	
Act code 4020.15	Vital Statistics Stipend	65	
Act code 5010.10	Highway Super	6,065	
Act code 5010.11	Deputy Highway Super	3,750	
Act code 7020.10	Director of Parks	3,135	64,383
* Decrease Compensation Reserve			
Act code 1010.16	Comp Reserve - Mngmt Salary Inc	(64,383)	(64,383)
* Increase Wetland Inspector Stipend			
Act code 8091.11	Wetland Inspector Stipend	5,000	
Engineer Equipment	Equipment	(5,000)	0
TOTAL NET EXPENDITURE ADJUSTMENTS			0
REVENUES	No Adjustments		
TOTAL REVENUE ADJUSTMENTS			0
* Increase/Decrease in Gen/Hwy Levy	General Levy	0	
	Highway Levy	0	
Adjustment to Tax Levy			0
Townwide Tax Rate Increase 0.00%			
Mahopac Fire Department			
* Increase Contract Exp			
Act code 302.3410.40	Fire Protection Contract	200,000	200,000
TOTAL NET EXPENDITURE ADJUSTMENTS			200,000
* Increase in Fund 302 Levy	302 Levy	200,000	200,000
Adjustment to Tax Levy			200,000
302 Fund Tax Rate Increase from 0.7768 per 1000 assessed value to 0.8699 per 1000 assessed value			

RESOLUTION #3

RESOLUTION AUTHORIZING THE SCHEDULING OF PUBLIC HEARING IN CONNECTION WITH PRELIMINARY BUDGET

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing in regard to the Preliminary Budget for fiscal year 2018 including the General Town Fund, Highway Funds as well as all Water Districts, Sewer Districts, Park Districts, Fire Protection Districts, Garbage District and Lighting Districts; and

BE IT FURTHER RESOLVED that said Public Hearing shall be held on the 8th day of November, 2017 at Town Hall, 60 McAlpin Avenue, Mahopac, New York at 7:00 PM or as soon thereafter that evening as possible, at which all interested persons shall be heard; and

BE IT FURTHER RESOLVED that the proposed salaries of the following officials for fiscal year 2018 shall be advertised, as required by Section 108 of the Town Law of the State of New York, as follows in said notice:

Town Supervisor – \$120,000.00

Town Council Members – \$21,000.00

Town Clerk – \$91,500.00

Town Highway Superintendent – \$124,000.00

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized and directed to publish the Notice of said Public Hearing in the official newspapers of the Town a minimum of five (5) days prior to November 8nd, 2017; and

BE IT FURTHER RESOLVED that the Town Clerk of the Town of Carmel is hereby authorized and directed to post the Notice of said Public Hearing on the Town Bulletin Board a minimum of five (5) days prior to November 8th, 2017; and

BE IT FURTHER RESOLVED that a copy of the preliminary budget be available at the Office of the Town Clerk where it may be inspected by any interested person during office hours.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #4

RESOLUTION AUTHORIZING THE SCHEDULING OF PUBLIC HEARING

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing on the Fire Protection Contracts and the Ambulance District Contracts for the year 2018, to be held on the 8th day of November, 2017 at the Town Hall, 60 McAlpin Avenue, Mahopac, NY at 7:00 p.m. or soon thereafter that evening as possible; said contracts to be advertised and posted as follows:

<u>Contractor</u>	<u>Services</u>	<u>Not to Exceed</u>
Mahopac Falls Volunteer Fire Department, Inc.	Fire Protection-Fire Protection Dist. #1	\$ 753,460.00
Mahopac Volunteer Fire Department, Inc.	Fire Protection-Fire Protection Dist. #2	\$1,400,000.00
Carmel Fire District & Carmel Fire Department, Inc.	Fire Protection-Fire Protection Dist. #3	\$ 727,000.00
Carmel Volunteer Ambulance Corps	Ambulance Services- Carmel Ambulance District #1	\$ 150,000.00
North Salem Volunteer Ambulance Corps	Ambulance Services- Carmel Ambulance District #1	\$ 12,800.00

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to publish a notice of the Public Hearing in the official newspapers of the Town and to post a notice of said hearing on the bulletin board of the Town, said notices to be published and posted a minimum of ten days prior to the Public Hearing.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #5

RESOLUTION ACCEPTING PROPOSAL FOR PURCHASE OF COPY MACHINE TOWN OF CARMEL RECREATION DEPARTMENT

RESOLVED THAT the Town Board of the Town of Carmel, hereby accepts the proposal of Konica-Minolta Business Solutions, U.S.A., Tarrytown, NY for the purchase of a Bizhub C368 Multi-Function Device at a cost not to exceed \$5,826.57, together with a service contract cost of \$0.0063 per black and white image and \$0.05 per color image; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to accept the proposal and authorize the actions contained herein; and

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

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #6

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BID

RESOLVED that, pursuant to the request of Town Comptroller Mary Ann Maxwell and Assistant to Town Board Anne Pasquerello, the Town Board hereby authorizes Town Clerk Ann Spofford to advertise for bids in connection with the proposed purchase two (2) G-10 servers for the Town IT equipment, facilities and services; 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: _____

Seconded by: _____

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

RESOLUTION #7

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BID

RESOLVED that, pursuant to the request of Town Engineer Richard J. Franzetti, P.E., the Town Board authorizes hereby authorizes Town Clerk Ann Spofford to advertise for Town Hall Cleaning Services for fiscal years 2018 and 2019; 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: _____

Seconded by: _____

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

RESOLUTION #8

RESOLUTION DECLARING CERTAIN EQUIPMENT OBSOLETE AND AUTHORIZING DISPOSAL

RESOLVED that, upon the recommendation of Town Engineer Richard J. Franzetti, P.E. , 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):

•2005 Ford Crown Victoria VIN # 2FAFP71W95X160666

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #9

RESOLUTION AUTHORIZING RETURN OF COPYING FEE TOWN OF CARMEL BUILDING DEPARTMENT

RESOLVED that the Town Board of the Town of Carmel upon the recommendation of Town of Carmel Director of Codes Enforcement Michael Carnazza, hereby authorizes refund of the sum of \$250.00 for Building Permit and Certificate of Occupancy Fees to Catherine Rzeznick, 151 Barrett Hill Road, Carmel (Kent), NY..

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #10

RESOLUTION ACCEPTING PROPOSAL FOR MONITORING SERVICES FOR 2018 ASSESSMENT ROLL

RESOLVED THAT the Town Board of the Town of Carmel, hereby accepts the proposal of McCarthy Appraisal/Consulting Svc., Inc. Carmel, NY for 2018 Assessment Roll monitoring services at a cost not to exceed \$25,000 and in accordance with the proposal dated September 29, 2017; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to accept the proposal and authorize the actions contained herein; and

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

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #11

RESOLUTION AUTHORIZING SETTLEMENT OF AGREEMENT

WHEREAS, the Settlement of Agreement with the City of New York was entered into on October 11, 2017; and

WHEREAS a proposed settlement of agreement has been negotiated by labor counsel, Thomas McDonough, Esq. of Jackson Lewis, LLP, who has 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 agreement as detailed in the settlement of agreement attached hereto and made part hereof; and

BE IT FURTHER RESOLVED that Town Comptroller Mary Ann Maxwell is authorized to make all necessary budget modifications/revisions for said settlement of agreement.

Resolution

Offered by: _____

Seconded by: _____

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

SETTLEMENT AGREEMENT

This Settlement Agreement (the "Agreement") is entered into by and among the following parties (the "Parties") as of the 11th day of October 2017: (i) The Town of Carmel ("Carmel") and (ii) The City of New York ("New York City").

RECITALS

WHEREAS, on May 9, 2017 the New York Police Department ("NYPD") sent a letter ("May 9, 2017 Letter") to Carmel seeking reimbursement of \$29,563.29, pursuant to New York General Municipal Law 72-c, for a pro-rated share of the expenses of training former NYPD police officer Sandy Crecco, who resigned from the NYPD and subsequently commenced employment with the Carmel Police Department;

WHEREAS, on September 7, 2017 New York City served a notice of claim (the "Crecco Notice of Claim") on Carmel seeking reimbursement of \$29,563.29, pursuant to New York General Municipal Law 72-c, for a pro-rated share of the expenses of training former NYPD police officer Sandy Crecco;

WHEREAS, the Parties now desire to compromise fully the dispute between them;

NOW, THEREFORE, in consideration of the respective covenants, undertakings, representations, and conditions hereinafter set forth, the parties agree as follows:

AGREEMENT

1. **Payment.** Carmel agrees to pay Eighteen Thousand, Five Hundred dollars (\$18,500.00) to New York City (the "Payment"), by check or wire transfer payable to "City of New York" and sent or delivered to Melanie C.T. Ash, Esq., New York City Law Department, 100 Church St., 20th Floor, New York, NY 10007, within 60 days of the execution of this agreement.


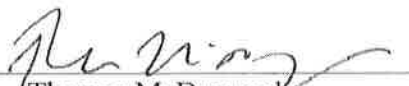
2. **Release.** The Parties agree to fully, finally and completely release and forever discharge each other, from any and all claims, causes of action, liabilities and/or obligations arising out of or related to the events described in the May 9, 2017 Letter and September 7, 2017 Notice of Claim that were brought or could have been brought; except that this Release shall not apply to an action for breach of, or to enforce the terms of, this Agreement.

3. **Signatures.** This Agreement may be executed in multiple counterparts, each of which, when so executed and delivered, shall be an original but such counterparts shall together constitute one and the same instruments and agreement. Facsimile signatures shall be binding as original signatures.

5. **Authority of Signatory.** Each of the representatives of Carmel and New York City signing hereunder expressly warrant that he or she is authorized to execute this agreement

on behalf of Carmel or New York City, as the case may be, as indicated on the signature pages of this Agreement.

IN WITNESS WHEREOF, Carmel, acting through its duly authorized representative, and New York City, acting through its duly authorized representative, have caused this Agreement to be executed as of the day and year first above written.

<p>ZACHARY W. CARTER Corporation Counsel of the City of New York <i>Attorney for the City of New York</i> 100 Church Street New York, New York 10007 (212) 356-2276</p> <p>By:  Melanie C.T. Ash Assistant Corporation Counsel</p>	<p>JACKSON LEWIS <i>Attorneys for the Town of Carmel</i> 44 South Broadway 14th Floor White Plains, NY 10601 (914) 872-6894</p> <p>By:  Thomas McDonough Principal</p>
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