

**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  
Tel. (845) 628-1500 • Fax (845) 628-6836  
[www.carmelny.org](http://www.carmelny.org)

**KATHLEEN KRAUS**  
*Receiver of Taxes*

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

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

**TOWN BOARD VOTING MEETING**  
**Wednesday, February 15, 2017 7:00pm**

---

**Pledge of Allegiance – Moment of Silence**

**Town Board Work Session:**

- Accept Town Board Minutes February 1, 2017
- 1. Res: Authorizing Attendance at Conference
- 2. Res: Authorizing Advertising for Bids
- 3. Res: Extending Term of Contract for Landscaping/Grass Cutting for Town Parks
- 4. Res: Authorizing Advertising for Bids
- 5. Res: Releasing Bond - Lakeview Realty 168 LLC TM#76.22-1-4
- 6. Res: Authorizing Advertising for Bids
- 7. Res: Authorizing Advertising for Bids
- 8. Res: Authorizing Request for Qualifications-Carmel Sewer Districts #s 1,2,3,4,5,6,7, & 8 and Carmel Water Districts #s 2,3,& 12
- 9. Res: Authorizing Advertising for Bids – Water Meters and Automated Meter Infrastructure – All town of Carmel Water Districts
- 10. Res: Authorizing Settlement of Litigation
- 11. Res: Authorizing Settlement of Litigation
- 12. Res: Authorizing Settlement of Litigation
- 13. Res: Authorizing Settlement of Litigation
- 14. Res: Authorizing Settlement of Litigation
- 15. Res: Authorizing Settlement of Litigation
- 16. Res: Authorizing Settlement of Litigation
- 17. Res: Authorizing Settlement of Litigation
- 18. Res: Authorizing Settlement of Litigation
- 19. Res: Authorizing Commencement of Litigation

20. Res: Authorizing Re-Scheduling of Public Hearing

21. Res: Regarding Amendments to the LOSAP Program of the Fire Departments Serving the Fire Protection Districts in the Town of Carmel

- **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**

## RESOLUTION #1

### RESOLUTION AUTHORIZING ATTENDANCE AT CONFERENCE

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town of Carmel Supervisor Kenneth Schmitt and Town of Carmel Comptroller Mary Ann Maxwell and Town of Carmel Engineer, Richard Franzetti, PE to attend the State Water Grants for Municipalities Conference in White Plains, NY, being held on February 16, 2017; and

BE IT FURTHER RESOLVED that applicable reasonable and necessary expenses, including travel, meals, lodging and registration be reimbursed by the Town upon audit and approval.

#### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## RESOLUTION #2

### RESOLUTION AUTHORIZING ADVERTISING FOR BIDS

RESOLVED that, pursuant to the request of Michael Simone Town of Carmel Highway Superintendent, Town Clerk Ann Spofford is hereby authorized to advertise for bids for the purchase of the following items for fiscal year 2017:

- Crushed Gravel
- Granular Base (Item 4)
- Run of Bank Gravel
- Bituminous Concrete
- Road Oil, Cut Backs, etc.
- Catch Basins & Sumps with Tops
- Tree Felling & Trimming
- Steel Culvert Drainage Pipe
- Aluminum Culvert Drainage Pipe
- Polyethylene Drainage Pipe

BE IT FURTHER RESOLVED that the Highway Superintendent is to furnish detailed specifications for the above to the 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 #3

### RESOLUTION EXTENDING TERM OF CONTRACT FOR LANDSCAPING/GRASS CUTTING FOR TOWN PARKS

WHEREAS the Town Board of the Town of Carmel has previously awarded the contract for performance for landscaping/grass cutting services at various Town of Carmel Town Parks to Pat Scanlan Landscaping, New City, NY, and

WHEREAS, Director of Recreation and Parks has recommended that the Town Board exercise its right to extend the contract pursuant to its terms for a period of one (1) year at this time;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby exercises its right to extend the existing contract with Pat Scanlan Landscaping, New City, NY for a period of one (1) year to Pat Scanlan Landscaping, New City, NY, at an annual contract price not to exceed \$35,125.00; and

BE IT FURTHER RESOLVED that said extended contract period shall be deemed to commence upon the date of the expiration of the previous extension period authorized by resolution of the Town Board in 2016; and

BE IT FURTHER RESOLVED, that upon presentation of insurance certificates and a bond in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt is hereby authorized to enter into the aforesaid contract and to execute any necessary documentation required in connection herewith.

#### 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 ADVERTISING FOR BIDS

RESOLVED that, pursuant to the request of Town of Carmel Director of Recreation and Parks James R. Gilchrist, the Town Clerk of the Town of Carmel is hereby authorized to advertise for bids for bus transportation for the Town of Carmel Recreation and Parks 2017 Summer Camp Program; and

BE IT FURTHER RESOLVED that the Director of Recreation and Parks is to furnish detailed specifications 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>	NO
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Frank Lombardi	_____	_____
Kenneth Schmitt	_____	_____

## RESOLUTION #5

### RESOLUTION RELEASING BOND LAKEVIEW REALTY 168 LLC TM#76.22-1-4

WHEREAS application has been made by Lakeview Realty 168m LLC 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 #76.22-1-4; 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 bonds referenced herein specifically Putnam County Savings Bank Check #057093-09.

#### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## RESOLUTION #6

### RESOLUTION AUTHORIZING ADVERTISING FOR BIDS

RESOLVED that, pursuant to the request of Town of Carmel Town Engineer Richard J. Franzetti, P.E., the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #9, hereby authorizes Town Clerk Ann Spofford to advertise for bids for installation and/or replacement of approximately 3200 linear feet of water mains within Carmel Water District #9; and

BE IT FURTHER RESOLVED that The Town Engineer is to furnish detailed specifications for the above to the 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 ADVERTISING FOR BIDS

RESOLVED that, pursuant to the request of Town of Carmel Town Engineer Richard J. Franzetti, P.E., the Town Board of the Town of Carmel, acting as Commissioners of the various sewer districts within the Town of Carmel, hereby authorizes Town Clerk Ann Spofford to advertise for bids for sludge hauling services for the various sewage/wastewater treatment plants within the Town of Carmel; and

BE IT FURTHER RESOLVED that The Town Engineer is to furnish detailed specifications for the above to the 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 AUTHORIZING REQUEST FOR QUALIFICATIONS CARMEL SEWER DISTRICTS #s1, 2, 3, 4, 5, 6, 7 & 8 CARMEL WATER DISTRICTS #s2, 3, & 12**

RESOLVED that, pursuant to the request of Town of Carmel Town Engineer Richard J. Franzetti, P.E., the Town Board of the Town of Carmel, acting as Commissioners of the Carmel Sewer Districts #s1, 2, 3, 4, 5, 6, 7, and 8, as well as Commissioners of Carmel Water Districts #s 2, 3, and 12, hereby authorizes the Town Engineer to issue Requests for Qualifications in connection with the operations of said water and sewer districts.

#### 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 ADVERTISING FOR BIDS WATER METERS AND AUTOMATED METER INFRASTRUCTURE ALL TOWN OF CARMEL WATER DISTRICTS

RESOLVED that, pursuant to the request of Town of Carmel Town Engineer Richard J. Franzetti, P.E., the Town Board of the Town of Carmel, acting as Commissioners of the thirteen individual water districts established within the Town of Carmel, hereby authorizes development of necessary plans and specifications to solicit bids for supply and installation of automated water meter infrastructure for said water districts; and

BE IT FURTHER RESOLVED, that upon the completion of said plans and specifications that Town Clerk Ann Spofford is authorized to advertise for bids for the provision and installation of such automated water meter infrastructure; and

BE IT FURTHER RESOLVED that The Town Engineer is to furnish detailed specifications for the above to the 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 #10

### RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 1525/2015 and 1156/2016 certain lawsuits entitled “John Lemmens vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 66.15-1-10 on the 2015 and 2016 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard Blancato, who 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 and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard 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: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## RESOLUTION #11

### RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 61/2016 a certain lawsuit entitled “Ryder vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 43.-1-20 on the 2015 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard Blancato, who 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 and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard 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: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## RESOLUTION #12

### RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 1177/2016 a certain lawsuit entitled “Wong vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 76.22-1-6 on the 2016 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard Blancato, who 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 and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard 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: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## RESOLUTION #13

### RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 1519/2013, 1323/2014, 1349/2015 and 1057/2016 certain lawsuits entitled “Advance Auto Parts vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 55.10-1-17 on the 2013, 2014, 2015 and 2016 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard Blancato, who 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 and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard 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: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## **RESOLUTION #14**

### **RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 1764/2012 and 1744/2013 certain lawsuits entitled “227 Route 6 Corp. vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 86.11-1-7.2 on the 2012 and 2013 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard Blancato, who 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 and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard 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: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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



## RESOLUTION #15

### RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 1342/2014, 1352/2015 and 1093/2016 certain lawsuits entitled "AutoZone #4715 vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel" in regard to the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 55.6-1-49 on the 2014, 2015 and 2016 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard Blancato, who 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 and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard 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: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## RESOLUTION #16

### RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 1423/2015 and 943/2016 certain lawsuits entitled “Lake Mahopac Hotel vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 86.11-1-8 on the 2015 and 2016 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard Blancato, who 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 and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard 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: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## RESOLUTION #17

### RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 67/2016 and 1152/2016 certain lawsuits entitled “Putnam County National Bank vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 44.18-1-23 on the 2015 and 2016 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard Blancato, who 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 and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard 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: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## RESOLUTION #18

### RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 1435/2014, 1406/2015 and 1104/2016 certain lawsuits entitled “Centennial Golf Club, LLC vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 44.-2-2.1 on the 2014, 2015 and 2016 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard Blancato, who 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 and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard 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: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## RESOLUTION #19

### RESOLUTION AUTHORIZING COMMENCEMENT OF LITIGATION

RESOLVED, the Town Board of The Town of Carmel hereby authorizes Joseph A. Charbonneau, Esq. 3 Starr Ridge Road, Brewster, NY to commence proceedings in the Supreme Court, Putnam County for breach of contract claims against Hudson Valley Realty Corp. relating to amended contract for sale of real property dated on or about January 26, 2005; 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>
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Frank Lombardi	_____	_____
Kenneth Schmitt	_____	_____

## RESOLUTION #20

### RESOLUTION AUTHORIZING RE-SCHEDULING OF PUBLIC HEARING

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at Town Hall, 60 Mc Alpin Avenue, Mahopac, New York 10541 on Wednesday, March 15, 2017 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" by the addition of Section 156-39.5 Entitled "Coops and Attached Runs for Chickens"; 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 newspaper of the Town and on the Town bulletin board regarding this 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	_____	_____

## **§ 156-39.5 Coops and Attached Runs for Chickens.**

### **Definitions:**

Coop: a cage or pen designed to contain or house chickens and shall contain all of the following components:

- Nesting place for each chicken to lay eggs (at least four inches deep)
- Elevated Roost or Perch area for chickens to sleep
- Ventilation
- Insulation to prevent drafts & dampness
- Accessibility to eggs and ability to clean out properly

Run: a fenced or fully enclosed area attached to or encompassing a chicken coop in which chickens are allowed to run around and peck.

- A. A coop for housing chickens and an attached run shall be permitted as an accessory use. The combined square footage of the coop/run area should allow at least four square feet for each chicken being kept in the area. Roosters are prohibited.
- B. No coop or run shall be located on a lot having less than half an acre in area and may only house six chickens per half acre.
- C. Coops and runs may not be located in any front yard as defined in this chapter. Coops and runs shall be situated completely in a side or rear yard, at least 15 feet from all rear and side property lines.
- D. All coops and runs must be kept clean neat and free of debris and be in compliance with all state and local laws pertaining to animals generally.
- E. All coops and any attached run shall be screened from view at ground level from adjacent lots by using 4 ft. to 6 ft. fencing, landscaping, or a combination thereof and the screening must be present throughout the year. i.e. evergreen landscaping
- F. All feed shall be kept in rodent-proof containers.
- G. All chickens will be contained in coops and runs unless property size is in excess of three acres.
- H. Penalties for offenses.
  - 1. Any complaint received by the building department or police department pursuant to this chapter pertaining to the cleanliness or sanitary condition of the run/coop may be referred to the Putnam County SPCA for investigation and who is hereby empowered to enforce any and all violations of this code.
  - 2. Any person or entity that shall violate any of the provisions of this chapter shall be guilty of a violation and shall be punished as follows:
    - (1) For a first offense: by a fine not to exceed \$50.
    - (2) For a second offense: by a fine not to exceed \$100.
    - (3) For a third offense or any subsequent offenses: by a fine not to exceed \$200 or removal of chickens, coop, and run from said premises, or by both such fine and cessation of use.
    - (4) Each violation of any provision of this chapter and each week that each such violation shall continue shall be deemed to be a separate and distinct offense.
    - (5) In addition to the above provided penalties and punishment, the Town may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this chapter.

## RESOLUTION #21

### RESOLUTION REGARDING AMENDMENTS TO THE LOSAP PROGRAM OF THE FIRE DEPARTMENTS SERVING THE FIRE PROTECTION DISTRICTS IN THE TOWN OF CARMEL

Whereas, the Town of Carmel has long since established a Length of Service Award Program for its volunteers in the fire departments serving the Town of Carmel's fire protection districts;

Whereas the Town maintains two separate fire protection districts, being the "Carmel Fire Protection District No. 1" which is protected by the Mahopac Falls Fire Department and the "Carmel Fire Protection District No. 2" which is protected by the Mahopac Fire Department;

Whereas, the Town of Carmel desires to make certain changes to each of the LOSAP programs, including changing those points or activities for which members may obtain points;

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK (THE "TOWN") HEREBY RESOLVES (by the favorable vote of not less than three-fifths of all its members), AS FOLLOWS:

SECTION 1. The Town is hereby approves, subject to mandatory referendum, the following changes to each of the service award programs for the active volunteer firefighters situated in the Town of Carmel's Fire Protection Districts:

- The points available to be obtained for participation in "Training Courses" over 100 hours are hereby increased from 15 to 25 points.
- The position of "Statistician" is hereby added as an elected or appointed position for which points could be awarded.
- The activity of "Teaching Fire Prevention Classes" is hereby added as an activity for which points could be awarded

SECTION 2. The Town officers, including the Supervisor, are hereby authorized to take such actions and execute such documents as may be necessary to effectuate these changes in both of the LOSAP plans available to firefighters in the Town's fire protection districts;

SECTION 3. This resolution shall be subject to a mandatory referendum, to be held at an election, held on the 4<sup>th</sup> day of April, 2017 at each respective fire departments' headquarters, in the manner prescribed by the Election Law of the State of New York, from the hours of 9:00am to 9:00pm.

The polls will be open for the purpose of voting during the aforesaid hours, and the ballot will be in substantially the following form, to wit:

#### 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	___	___



## **NOTICE OF ELECTION**

Town of Carmel  
Putnam County, New York

**NOTICE IS HEREBY GIVEN** that pursuant to a resolution of the Town Board of the Town of Carmel approved on the fourth day of April , 2017, a special election of the qualified voters of those persons situated in the "Carmel Fire Protection District No. 1", of the Town of Carmel, Putnam County, New York will be held at the Mahopac Falls Fire Department Building located at 17 Lucarro Lane, Mahopac Falls, NY 10542 on the 4th day of April, 2017, between the hours of 9:00am and 9:00pm to vote on whether to approve the following resolution adopted by such Board of Fire Commissioners:

Shall the Length of Service Award Program sponsored for the Active Members of the Mahopac Falls Fire Department be amended to permit as follows:

- The points available to be obtained for participation in "Training Courses" over 100 hours are hereby increased from 15 to 25 points.
- The position of "Statistician" is hereby added as an elected or appointed position for which 15 points could be awarded.
- The activity of "Teaching Fire Prevention Classes" is hereby added as an activity for which points could be awarded.

All persons registered to vote in the "Carmel Fire Protection District No. 1" and residing in such fire protection district for at least thirty (30) days prior to the day of the vote may vote in such special election.

## **NOTICE OF ELECTION**

Town of Carmel  
Putnam County, New York

**NOTICE IS HEREBY GIVEN** that pursuant to a resolution of the Town Board of the Town of Carmel approved on the fourth day of April, 2017, a special election of the qualified voters of those persons situated in the "Carmel Fire Protection District No. 2" of the Town of Carmel, Putnam County, New York will be held at the Mahopac Fire Department Building located at 741 Route 6, Mahopac, NY 10541 on the 4<sup>th</sup> day of April, 2017, between the hours of 9:00am and 9:00pm to vote on whether to approve the following resolution adopted by such Board of Fire Commissioners:

Shall the Length of Service Award Program sponsored for the Active Members of the Mahopac Fire Department be amended to permit as follows:

- The points available to be obtained for participation in "Training Courses" over 100 hours are hereby increased from 15 to 25 points.
- The position of "Statistician" is hereby added as an elected or appointed position for which 15 points could be awarded.
- The activity of "Teaching Fire Prevention Classes" is hereby added as an activity for which points could be awarded.

All persons registered to vote in the "Carmel Fire Protection District No. 2" and residing in such fire protection district for at least thirty (30) days prior to the day of the vote may vote in such special election.

## **RESOLUTION NO. 1**

### **RESOLUTION REGARDING CHANGES TO THE LOSAP PROGRAM BENEFITTING MEMBERS OF THE MAHOPAC FALLS FIRE DEPARTMENT**

The following changes shall be made and effective for points earned in 2017 and thereafter, as follows:

- The points available to be obtained for participation in "Training Courses" over 100 hours are hereby increased from 15 to 25 points.
- The position of "Statistician" is hereby added as an elected or appointed position for which 15 points could be awarded.
- The activity of "Teaching Fire Prevention Classes" is hereby added as an activity for which points could be awarded.

## **RESOLUTION NO. 2**

### **RESOLUTION REGARDING CHANGES TO THE LOSAP PROGRAM BENEFITTING MEMBERS OF THE MAHOPAC FIRE DEPARTMENT**

The following changes shall be made and effective for points earned in 2017 and thereafter, as follows:

- The points available to be obtained for participation in "Training Courses" over 100 hours are hereby increased from 15 to 25 points.
- The position of "Statistician" is hereby added as an elected or appointed position for which 15 points could be awarded.
- The activity of "Teaching Fire Prevention Classes" is hereby added as an activity for which points could be awarded.

These resolutions shall not take effect until approved by the affirmative vote of a majority of the duly qualified voters of the Town who reside in each fire protection district separately, voting on such proposition. As soon as reasonably possible after the date that this resolution takes effect, the Clerk of the Town is hereby authorized and directed to cause a copy of this resolution to be published in full in the newspaper which is designated as the official newspaper of the Town for such purposes.

Those who are qualified to vote on the aforesaid proposition are qualified voters who shall have resided in the above fire protection districts for thirty days next preceding such election.

Dated: Carmel, New York  
\_\_\_\_\_, 201\_\_\_\_

By Order of the Town Board of the  
Town of Carmel, Putnam County, New York

By: \_\_\_\_\_  
Ann Spofford, Town Clerk