

**KENNETH SCHMITT**  
Town Supervisor

**TOWN OF CARMEL**  
TOWN HALL

**ANN SPOFFORD**  
Town Clerk

**SUZANNE MC DONOUGH**  
Town Councilwoman  
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

**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, January 16, 2019 7:00pm**

[Pledge of Allegiance – Moment of Silence](#)

**6:00pm Executive Session:**

1. Interview of Candidate – Planning Board Vacancy
2. Councilman Schneider - Litigation Update
3. Gregory Folchetti, Town Legal Counsel - Contractual

Res: Authorizing Re-scheduling of Public Hearing On a Proposed Local Law amending Chapter 89 of the Code of the Town of Carmel, entitled “Freshwater Wetlands” (March 20, 2019)

**Public Hearing #1:** On a Proposed Local Law amending Chapter 111 of the Code of the Town of Carmel, entitled “Peddling and Soliciting”

- 1A. Consider Resolution Determining SEQRA Review
- 1B. Consider Motion to Enact Law

**Town Board Voting Meeting:**

- Accept Town Board Minutes December 12, & 19, 2018, and January 2, 2019
- 1. Res: Authorizing Additions to the Active List of the Mahopac Volunteer Fire Department
- 2. Res: Accepting Proposal for Engineering Services Airport Park Improvements Phase II
- 3. Res: Declaring Certain Equipment Old and Obsolete and Authorizing Disposal
- 4. Res: Authorizing Entry into 2019 NYSDOT Program Agreement
- 5. Res: Authorizing Director of Recreation and Parks to Proceed with the Purchase and Installation of Sander
- 6. Res: Authorizing Chief of Police to proceed with the Purchase of Police Vehicle
- 7. Res: Authorizing Award of Contract for Purchase of Motor Vehicle Fuel – Town of Carmel Police Department
- 8. Res: Accepting Proposal for Special Counsel Services
- **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 Speaker for Town Residents, Property Owners & Business Owners Only)**
- **Town Board Member Comments**
- **Adjournment**

**#1**

**RESOLUTION AUTHORIZING RE-SCHEDULING OF PUBLIC HEARING**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the re-scheduling of a Public Hearing at Town Hall, 60 Mc Alpin Avenue, Mahopac, New York 10541 to Wednesday March 20, 2019 at 7:00 p.m., or as soon thereafter that evening as possible, on a proposed Local Law amending Chapter 89 of the Code of the Town of Carmel, entitled "Freshwater Wetlands"; 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>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, January 16, 2019 at 7:00 p.m. or as soon thereafter that evening as possible on a proposed Local Law amending Chapter 111 of the Code of the Town of Carmel, entitled "Peddling and Soliciting" as follows:

TOWN OF CARMEL  
PROPOSED LOCAL LAW # \_\_\_\_ OF THE YEAR 2019  
A LOCAL LAW AMENDING CHAPTER 111 OF THE  
CODE OF THE TOWN OF CARMEL, ENTITLED  
"PEDDLING AND SOLICITING"

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

### **SECTION 1 : LEGISLATIVE FINDINGS**

It is hereby found and determined that the act of peddling, vending and soliciting within the Town has a significant impact upon the quality of life of the residents of the Town, including the health, safety and welfare thereof. It is further found that the unregulated act of peddling, vending and soliciting presents a significant disadvantage to other established businesses within the Town which pay rent, taxes, expenses and fees for the privilege of doing business within the Town and should, therefore, not be condoned or permitted.

### **SECTION 2: AUTHORITY**

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

### **SECTION 3: AMENDMENT OF CHAPTER 111**

Article I of Chapter 111 of the Town Code of the Town of Carmel entitled "Peddling", is hereby repealed effective immediately and replaced with the following:

#### **§111-1 PURPOSE.**

The purpose of this article is to protect the health, safety and welfare of the residents of the Town of Carmel by regulating peddling, soliciting and vending within the Town of Carmel.

#### **§111-2 PEDDLING PROHIBITED.**

Except as may be otherwise permitted by general or special law, it shall be unlawful for any person, corporation, partnership, company, unincorporated association, agent or principal thereof, or any other entity to engage in or act as a peddler, vendor, solicitor or commercial traveler, as herein defined, within the jurisdictional boundaries of the Town of Carmel.

#### **§ 111-3 DEFINITIONS.**

As used in this chapter, the following terms shall have the meanings indicated:

##### **Commercial Traveler**

A person or entity doing business through the act of renting a room or suite of rooms in a hotel, motel or inn, commercial building or private dwelling, excluding exterior areas and/or parking lots/parking areas, for temporary occupancy which does not exceed 60 days, for the purpose of using said premises to sell, offer for sale or solicit orders for goods, services, merchandise or money to or from members of the public.

**Peddle**

The merchandising of any goods, wares, commodities, books, periodicals, labor or services; or requesting or seeking contributions of goods and/or money by going from house to house, place of business to place of business or in any public street or public place or by temporarily occupying a room, building, structure, land or other premises therefor.

**Peddler**

Any person who, being uninvited by the home or business owner, engages in the merchandising of any goods, wares, commodities, books, periodicals, labor or services by going from house to house or place of business to place of business. Peddler shall also include any person who seeks or requests contributions of goods and/or money by going from house to house or from place of business to place of business or by temporarily occupying a room, building or other premises with the Town for such purpose.

**Temporary Occupancy**

A store, room, building, tent, enclosure, parking lot or structure of any kind intended to be used or occupied for the period of time necessary to peddle, vend or solicit the merchandise sold therein. In all prosecutions for the violation of this chapter, the intent of the defendant to conduct an established place of business shall be an affirmative defense, and the burden of proving such intent shall be upon the defendant in such prosecution.

**Vendor**

A person who engages in the act or occupation of selling or offering for sale from a fixed location or locations, and at times and from time to time, goods, wares merchandise or labor, meats, fish, produce and prepared foods from any portable cart, stand, vehicle or display device of any nature.

**§ 111-4 EXEMPTIONS.**

The provisions of this chapter shall not apply to the following:

- A. Any person peddling at the express invitation of any person or organization.
- B. A wholesaler or distributor selling articles to dealers or merchants who have an established place of business within the Town.
- C. A child regularly attending any public, private or parochial school; veterans organizations; fraternal organizations; civic groups; churches; tax-exempt charitable or religious organizations or sects; provided, however, that such child or member of such exempt organization shall carry on an otherwise prohibited conduct only in connection with an authorized activity of the school which the child attends or another school which has authorized such child to carry on the activity or, in the case of an exempt organization, which has authorized such member to carry on the activity. It shall be required, however, that prior to the commencement of such otherwise prohibited conduct, the school or otherwise exempt organization for which the activity shall be carried on shall notify the Clerk of the Town, in writing, of the intention of such school or exempt organization to conduct such activity within the Town, together with a brief description thereof.

**§ 111-5 PENALTIES FOR OFFENSES.**

Any person, corporation, partnership, company, unincorporated association, agent or principal thereof; or any other entity who shall act as a commercial traveler, peddler, solicitor or vendor, as defined herein, or who shall violate any other provision of this chapter shall be guilty of a violation and punishable by a fine not to exceed \$1,000 or imprisonment for not more than 15 days, or both. Each day upon which such violation continues shall constitute a separate offense.

#### **SECTION 4 – 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 5 – 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 6 – 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.

At said Public Hearing, all interested persons shall be heard on the subject thereof. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

By Order of the Town Board  
of the Town of Carmel  
Ann Spofford, Town Clerk

**PH#1A**

**RESOLUTION MAKING SEQR DETERMINATION IN REGARD TO THE PROPOSED  
LOCAL LAW #      OF THE YEAR 2019 ENACTING CHAPTER 111 OF THE TOWN  
CODE OF THE TOWN OF CARMEL**

RESOLVED that the Town Board of the Town of Carmel hereby determines that, the Local Law #      Amending Chapter 111 of the Town Code of the Town of Carmel, Entitled, "Peddling and Soliciting" is a Type II action under SEQR, NYCRR Section 617.5© (27) and no further review is necessary.

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 #1

### RESOLUTION AUTHORIZING ADDITIONS TO THE ACTIVE LIST OF THE MAHOPAC VOLUNTEER FIRE DEPARTMENT

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the addition of the following names to the active list of the Mahopac Volunteer Fire Department:

Jessica Hart  
Drew Charles Kinash

#### 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 ACCEPTING PROPOSAL FOR ENGINEERING SERVICES AIRPORT PARK IMPROVEMENTS PHASE II

RESOLVED THAT the Town Board of the Town of Carmel, hereby accepts the proposal of Insite Engineering, Surveying and Landscape Architecture, P.C., Carmel NY for the services required in connection with the update of design documents and provision of construction administration services for Phase II improvements to be constructed at Airport Park in accordance with the proposal of January 2, 2019 at a cost not to exceed \$42,300.00; 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>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____



## RESOLUTION #3

### RESOLUTION DECLARING CERTAIN EQUIPMENT OBSOLETE AND AUTHORIZING DISPOSAL

RESOLVED that, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, the Town Board of the Town of Carmel hereby declares the vehicles listed and enumerated in the memorandum dated January 2, 2019, which is incorporated herein and made a part hereof, to be obsolete and authorizes their disposal in accordance with Town Law, including but not limited to Town Law §64(2-a).

#### 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	_____	_____

# TOWN OF CARMEL HIGHWAY DEPARTMENT

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Carmel Highway Department  
55 McAlpin Avenue  
Mahopac, NY 10541

**MICHAEL SIMONE**  
***Superintendent of Highways***

845.628.7474  
FAX 845.628.1471  
MSimone@bestweb.net

**FROM THE DESK OF:** *Michael Simone*



**TO:** SUPERVISOR KENNETH SCHMITT  
TOWN BOARD

**DATE:** JANUARY 2, 2019

**RE:** REQUEST TO DISPOSE OF EQUIPMENT

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I am requesting the authorization to dispose of the following:

Highway Department Equipment Retired		
Description	Hwy ID	VIN Number
2009 FORD Crown VIC	Car #8	2FAHP71V79X138205
2010 FORD Crown VIC	315	2FABP7BV3AX135522
1997 Mack RD 4X2 Brine	Truck #40	1M2P263C9VM022575

## RESOLUTION #4

### RESOLUTION AUTHORIZING ENTRY INTO 2019 NYSDOT PROGRAM AGREEMENT

RESOLVED that, the Town Board of the Town of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes entry into 2019 NYS Department of Transportation Program agreement for drug and alcohol testing of collective bargaining unit members Local 456 Teamsters Union with Partners In Safety, Inc, Nanuet, NY, said agreement to be in form as is on file in the Office of Town of Highway Superintendent.

#### 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 DIRECTOR OF RECREATION AND PARKS TO PROCEED WITH THE PURCHASE AND INSTALLATION OF SANDER

RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Director of Recreation and Parks James R. Gilchrist, hereby authorizes the purchase and installation of sander equipment in Recreation vehicle No. P-59 from Hudson River Truck and Trailer, Poughkeepsie, NY at a cost not to exceed \$5,674 and in accordance with the proposal dated December 12, 2018; and

BE IT FURTHER RESOLVED that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect the aforesaid purchase transactions 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 #6

### RESOLUTION AUTHORIZING CHIEF OF POLICE TO PROCEED WITH THE PURCHASE OF POLICE VEHICLE

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Chief of Police Michael Cazzari to proceed to purchase one (1) new 2016 Dodge Charger police vehicle from Robert Green Truck Division, Rock Hill, NY, including police lighting package at a unit cost not to exceed \$27,812.04 under Onondaga County #8771Statewide Piggy Back Bid pursuant to General Municipal Law §103(16); and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign all necessary documents to purchase said vehicle from Robert Green truck Division in accordance with their contract quotations dated January 2, 2019; and

BE IT FURTHER RESOLVED that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect the aforesaid purchase transactions 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 #7

### RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR PURCHASE OF MOTOR VEHICLE FUEL TOWN OF CARMEL POLICE DEPARTMENT

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Chief of Police Michael Cazzari, hereby authorizes the award of bid contract for purchase of motor vehicle fuel for the Town of Carmel Police Department for the period commencing retroactive to December 19, 2018 through December 17, 2020 to Global Montello Group Corp., Waltham, MA under Putnam County Office of Purchasing Contract No. No. PC68456 at the per-gallon prices of \$2.2141 for regular grade; \$2.2690 for mid-range grade and \$2.3578 for premium grade.

#### 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 SPECIAL COUNSEL SERVICES

RESOLVED THAT the Town Board of the Town of Carmel, hereby accepts the proposal of the Pinsky Law Group, PLLC, Syracuse, NY for the provision of special counsel and legal services in connection with the Town of Carmel and its contracts with various Not-for-Profit contractors for fiscal year 2019, said proposal to be in form as is currently on file in the Office of the Town Supervisor, and at an aggregate annual flat fee of \$20,000 (Twenty Thousand Dollars), with any additional authorized hourly services at a rate not to exceed \$250.00; and

BE IT FURTHER RESOLVED, that the cost of said services shall be apportioned accordingly to the Fire Protection Districts, Ambulance Districts, etc. for which said services shall be provided; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt is hereby authorized to execute any and all necessary contract documentation to effect acceptance of this proposal upon the terms 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	_____	_____