

KENNETH SCHMITT
Town Supervisor

TOWN OF CARMEL
TOWN HALL

ANN SPOFFORD
Town Clerk

FRANK D. LOMBARDI
Town Councilman
Deputy Supervisor

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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, December 3, 2014 7:00pm

Pledge of Allegiance – Moment of Silence

1. Accept Town Board Minutes November 5, 2014
2. Res: Authorizing Additions/Deletions to the Active List of the Mahopac Volunteer Fire Department
3. Res: Pursuant to Chapter 104 of Town Code
4. Res: Authorizing Submission of Statement of Delinquent Town of Carmel Water District and Sewer District Charges for Re-levying on the 2015 County and Town Tax Bill
5. Res: Authorizing Purchase Contract for Diesel Fuel Town of Carmel Highway Department
6. Res Authorizing Contract for Reflectorized Pavement Stripes Town of Carmel Highway Department
7. Res: Authorizing Purchase Contract for Road Salt Town of Carmel Highway Department
8. Res Authorizing Contract for Hot In Place Asphalt Recycling Town of Carmel Highway Department
9. Res: Authorizing Acceptance of Proposal and Authorizing Purchase and Installation of Aeration Tank Blower CSD#7
10. Res: Authorizing Payment for Repairs Carmel Water District #6
11. Res: Authorizing Acceptance of Proposal and Authorizing Repairs Carmel Sewer District #7
12. Res: Authorizing Settlement of Litigation
13. Res: Authorizing Acceptance of Proposal for Lake Casse Park District Maintenance Services
14. Res: Authorizing the Issuance of \$1,450,000 Bonds of the Town of Carmel, Putnam County, New York to Pay the Cost of the Improvement of the Long Pond Road Improvement District in the Town of Carmel, Putnam County, New York

- **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. Glenn Droese- Personnel

#2

RESOLUTION AUTHORIZING ADDITIONS AND DELETIONS 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:

Samuel Drescher

James Harris

BE IT FURTHER RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the deletion of the following names to the active list of the Mahopac Volunteer Fire Department:

Brian Gaunt

Josh Knapp

Lauren Fischetti

Ted Wozniak

Anthony Thomas

Resolution

Offered by: _____

Seconded by: _____

Roll Call Vote

YES

NO

Jonathan Schneider

John Lupinacci

Suzanne McDonough

Frank Lombardi

Kenneth Schmitt

#3

RESOLUTION PURSUANT TO CHAPTER 104 OF TOWN CODE

RESOLVED, that pursuant to Town Code § 104-8, the Town Board of the Town of Carmel hereby waives the application of Chapter 104 of the Town Code, entitled "Noise" with respect to the application of the Hamlet of Carmel Civic Association for its annual Holiday on the Lake events commencing November 22, 2014 and concluding December 31, 2014.

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	_____	_____

#4

RESOLUTION AUTHORIZING SUBMISSION OF STATEMENT OF DELINQUENT TOWN OF CARMEL WATER DISTRICT CHARGES FOR LEVY ON THE 2015 COUNTY AND TOWN TAX

RESOLVED, that the Town Board of the Town of Carmel, pursuant to §198 of NY Town Law, hereby authorizes submission of the attached statements and delinquent water charges for the Town of Carmel's Water Districts and Sewer Districts , prepared by Town Comptroller's Mary Ann Maxwell, in form as attached hereto and made part hereof, to the Putnam County Legislature for the levying of such charges on the 2015 County and Town Tax Bill.

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	_____	_____

#5

RESOLUTION AUTHORIZING PURCHASE CONTRACT FOR DIESEL FUEL 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 purchase of Premium Diesel Fuel for The Town of Carmel Highway Department from NYS OGS Group Contract #05602 from Heritagenergy, Lake Katrine, NY, vendor # PC66703 at per gallon costs of \$3.2810 (1D type) and \$3.6819 (2D type).

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	_____	_____

#6

RESOLUTION AUTHORIZING CONTRACT FOR REFLECTORIZED PAVEMENT STRIPE 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 entry into agreement for the painting of reflectORIZED pavement stripes on Town of Carmel Roads Putnam County Bid Award #RFP19-14 from Atlantic Pavement Marking, Inc. Prospect, CT.

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	_____	_____

#7

**RESOLUTION AUTHORIZING PURCHASE CONTRACT FOR ROAD SALT
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 purchase of Road Salt for The Town of Carmel Highway Department from NYS OGS Group Contract #01800 from Morton Salt, Inc. Vendor # PC 66660.

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	_____	_____

#8

RESOLUTION AUTHORIZING CONTRACT FOR HOT IN PLACE ASPHALT RECYCLING 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 entry into agreement for the purchase of hot in-place asphalt recycling on Town of Carmel Roads from Highway Rehabilitation Corp, Brewster, NY Putnam County Bid Award #RFP 39-13.

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	_____	_____

#9

RESOLUTION AUTHORIZING ACCEPTANCE OF PROPOSAL AND AUTHORIZING PURCHASE AND INSTALLATION OF AERATION TANK BLOWER CARMEL SEWER DISTRICT #7

RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #7 hereby accepts the proposal of Empire State Electric Motors, Goshen, NY, for the purchase and installation of an aeration blower at the Carmel Sewer District #7 Wastewater Treatment Plant at a cost not to exceed \$660.00; and

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

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	_____	_____

#10

RESOLUTION AUTHORIZING PAYMENT FOR REPAIRS CARMEL WATER DISTRICT #6

RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #6 hereby authorizes payment to Bee & Jay Plumbing, Inc., Mahopac, NY for the performance of repairs within Carmel Water District #6 in accordance with the attached invoice dated 11/6/2014 at a cost not to exceed \$8,206.70; and

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

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	_____	_____

#11

RESOLUTION AUTHORIZING ACCEPTANCE OF PROPOSAL AND AUTHORIZING REPAIRS CARMEL SEWER DISTRICT #7

RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #7 hereby accepts the proposal of Severn Trent Environmental Services dated November 14, 2014 for the purchase and installation of a motor for existing Rotating Biological Contactor Unit at the Carmel Sewer District #7 Wastewater Treatment Plant at a cost not to exceed \$1,159.00; and

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

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	_____	_____

#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. 2507/2011 a certain lawsuit entitled "Charles Melchner & Lillian Melchner vs. The Town of Carmel; and

WHEREAS a proposed settlement of the litigation has been negotiated and the Town Board wishes to accept and approve 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 detailed on the stipulation and order of settlement attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt and Town Counsel Gregory L. Folchetti are each hereby authorized to sign, on behalf of the Town of Carmel, a stipulation and order of settlement reflecting the terms as agreed to herein.

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	_____	_____

#13

RESOLUTION AUTHORIZING ACCEPTANCE OF PROPOSAL FOR LAKE CASSE PARK DISTRICT MAINTENANCE

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Lake Casse Park District hereby authorizes the acceptance of the proposal of Robert Krontilik to perform maintenance services at Lake Casse Park during calendar year 2015 at a cost not to exceed \$12,900.00; and

BE IT FURTHER RESOLVED, that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to accept the aforesaid proposal on the terms and conditions authorized herein.

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	_____	_____

#14

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,450,000 BONDS OF THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK, TO PAY THE COST OF THE IMPROVEMENT OF THE LONG POND ROAD IMPROVEMENT DISTRICT, IN THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 200 of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the Long Pond Road Improvement District (the "District"), in the Town of Carmel, Putnam County, New York, at a maximum estimated cost of \$1,450,000; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which as such will not have a significant effect on the environment NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the improvements of the Long Pond Road Improvement District, in the Town of Carmel, Putnam County, New York, consisting of the widening and construction of roads therein, in and for said Town, including curbs, gutters, drainage, grading, and other incidental improvements and expenses in connection therewith, they are hereby authorized to be issued \$1,450,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$1,450,000 and that the plan for the financing thereof is by the issuance of the \$1,450,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said District in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the

provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a

long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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	_____	_____