

**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, May 18, 2016 7:00pm**

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**Pledge of Allegiance – Moment of Silence**

**Town Board Voting Meeting:**

1. **Public Hearing** On a Proposed Local Law Enacting Chapter 15 of the Code of the Town of Carmel, entitled, "Employment Fingerprint Inquiries"
2. Accept Town Board Minutes, May 4, 2016
3. Res: Authorizing Additions and Deletions to the Active List of the Mahopac Volunteer Fire Department
4. Res: Authorizing Substitution of Collateral in Connection with Performance Bond Random Ridge LLC, (\$994,484.00)
5. Res: Authorizing Payment of Outstanding 2015 Invoices
6. Res: Accepting Proposal for Welding/Repair Services CSD#4 Wastewater Treatment Plant
7. Res: Awarding of Bid for Sycamore Park Roof Replacement
8. Res: Accepting Donation of Park Bench
9. Res: Authorizing Improvements at Mahopac Chamber Park
10. Res: Authorizing Improvements at McDonough Park
11. Res: Pursuant to Chapter 104 of the Town Code
12. Res: Making Re-Appointment to the Town of Carmel Environmental Conservation Board
13. Res: Making Re-Appointment to the Town of Carmel Environmental Conservation Board
14. Amended Res: Making Re-Appointment to the Town of Carmel Environmental Conservation Board
15. Amended Res: Making Re-Appointment to the Town of Carmel Environmental Conservation Board
16. Res: Authorizing Payment of Sick Time Town of Carmel Police Department

- **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. Police Chief Michael Cazzari - Personnel

## 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, May 18, 2016 at 7:00 p.m. or as soon thereafter that evening as possible on a proposed Local Law enacting Chapter 15 of the Code of the Town of Carmel, entitled "Employment Fingerprint Inquiries";

### **TOWN OF CARMEL PROPOSED LOCAL LAW # \_\_\_\_\_ OF THE YEAR 2016 CHAPTER 15**

#### **APPLICANT FINGERPRINT INQUIRIES**

##### **I. Legislative Intent**

Access to criminal history record information ("CHRI") maintained by the New York State Division of Criminal Justice Services ("DCJS") for job or license applicants is permitted pursuant to state law, federal law, or local law of a municipality or political subdivision of the state, that specifically provides for fingerprint submission to DCJS. The intent of this local law is establish the Town of Carmel's authorization to submit applicant fingerprint inquiries to the DCJS for applicants for full- and part-time employment within the Town of Carmel.

##### **II. A new Chapter 15 shall be added to the Town of Carmel Code to provide as follows:**

#### **CHAPTER 15 Applicant Fingerprint Inquiries**

##### **§ 15-1. Authority**

9 NYCRR Part 6051.1 and 6051.2 expressly permits the release of CHRI to entities that have statutory authority to access such records, and the execution of a written Use and Dissemination agreement between the DCJS and the Town of Carmel.

##### **§ 15-2. Applicability to Town Employees.**

The requirements of this Chapter 15 applies to all applicants for employment in the Town of Carmel whether full- and part-time, including but not limited to applicants to positions that require or contemplate interaction with minors.

##### **§ 15-3. Submission of Fingerprints; Fees.**

All applicants for full- and part-time employment within the Town of Carmel shall be required to submit fingerprints and information required for application of same and in the form and manner as prescribed by the DCJS.

#### **§ 15-4. Access to; Review of CHRI.**

The Town Supervisor and the Town Clerk shall have the right to review the CHRI disseminated by the DCJS. No other Town employee shall have access to such information.

#### **§ 15-5. Other Applicable Laws.**

- A. If a prospective applicant has been convicted of a crime, any decision regarding such prospective applicant's fitness for a license or employment must be made upon consideration of New York State Correction Law §§701-703-b and §§751-753. Corrections Law §§701-703-b provides for certificates of relief from disability and certificates of good conduct and §§751-753 sets forth New York's public policy to encourage the licensure and employment of persons previously convicted of one or more criminal offenses and factors that should be considered in making hiring determinations.
- B. These provisions hereof shall not be interpreted or applied to affect the statutory authority under §50 (4) of New York State Civil Service Law which authorizes the state civil service department or municipal commission to require applicants undergo a state and national criminal history record check.

#### **III. SEVERABILITY.**

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstances is adjudged invalid, illegal or unconstitutional by any court of competent jurisdiction, such order or judgment shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application directly involved in the controversy in which such 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. Further, in adjudging such invalid provision, the court shall attempt to modify same to a provision which is not invalid, illegal or unconstitutional and which best achieves the intent of the invalid provision.

#### **IV. EFFECTIVE DATE.**

This Local Law shall take effect upon its filing in the office of the Secretary of State.

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

## RESOLUTION #3

### 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:

Maxwell Senger

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:

Joseph Raitano

#### 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 SUBSTITUTION OF COLLATERAL IN CONNECTION WITH PERFORMANCE BOND - TM # 76.10-1-23 RANDOM RIDGE, LLC/BLITMAN MAHOPAC, LLC**

WHEREAS a performance bond in the amount of \$994,484 was previously posted by Random Ridge, LLC in accordance with the Land Subdivision and/or Zoning Regulations for Tax Map #76.10-1-23 with respect to the Random Ridge Subdivision and

WHEREAS Blitman Mahopac, LLC, successor to Random Ridge, LLC has submitted a new performance bond in the amount of \$1,967,000 issued by Atlantic Specialty Insurance Company, (bond No. 800005249) in form and content which has been approved by the Planning Board attorney; and

WHEREAS Random Ridge, LLC has requested that The Atlantic Specialty Insurance Company , (bond No. 800005249) be substituted as collateral for the completion of the approved Random Ridge Subdivision improvements; and

WHEREAS the Planning Board of the Town of Carmel has approved the proposed substitution;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the substitution of the Atlantic Specialty Insurance Company , Bond No. 800005249 in the amount of \$1,967,000 as collateral for the completion of the site improvements in the Random Ridge Subdivision; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the previous bond for the site designated as Lincoln General Insurance Company Bond No. SUR0122224 for the completion of the site improvements in the Random Ridge Subdivision plan which was previously posted by Random Ridge, LLC in connection therewith; and

BE IT FURTHER RESOLVED that substitution of collateral shall be deemed complete upon the approval of said substituted Atlantic Specialty Insurance Company bond as to form by Town Counsel and upon filing of said Atlantic Specialty Insurance Company bond in the office of the Town Clerk.

Resolution

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

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

Roll Call Vote:

YES

NO

Jonathan Schneider

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John Lupinacci

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Suzanne McDonough

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Frank Lombardi

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Kenneth Schmitt

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## RESOLUTION #5

### RESOLUTION AUTHORIZING PAYMENT OF OUTSTANDING 2015 INVOICES

RESOLVED, that the Town Board of the Town of Carmel, as Commissioners of the various Town of Carmel Water and Sewer Districts, hereby authorizes the payment of the following outstanding 2015 invoices during fiscal year 2015:

<b>Vendor</b>	<b>Date Of Service</b>	<b>Work Performed</b>	<b>Amount</b>
Dun-Rite Construction	11/25/2015	CWD#3 curb box replacement	\$1,600.00
Dun-Rite Construction	11/25/2015	CWD#3 curb box replacement	\$750.00
Dun-Rite Construction	8/5/2015	CWD#2 hydrant replacement	\$3,000.00
Dun-Rite Construction	8/5/2015	CWD#2 hydrant replacement	\$3,000.00
Tam Enterprises Inc.	9/17/2015	CSD#2 Elbow Fabrication	\$3,950.00

BE IT FURTHER RESOLVED that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications necessary to effectuate this authorization on the terms set forth herein.

#### Resolution

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

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

#### Roll Call Vote:

YES

NO

Jonathan Schneider

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John Lupinacci

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Suzanne McDonough

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Frank Lombardi

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Kenneth Schmitt

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## RESOLUTION #6

### RESOLUTION ACCEPTING PROPOSAL WELDING/REPAIR SERVICES CSD#4 WASTEWATER TREATMENT PLANT

RESOLVED, that the Town Board of the Town of Carmel, as Commissioners of Carmel Sewer District #4, hereby authorizes the acceptance of the proposal of TAM Enterprises, Inc., Goshen NY, to perform steel beam repair at the Carmel Sewer District #4 Wastewater Treatment Plant in accordance with the proposal dated April 27, 2016 and at a cost not to exceed \$5,000.00; and

BE IT FURTHER RESOLVED, that upon presentation of certificates of insurance in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt is hereby authorized to execute any and all documentation necessary to accept the proposal on the terms and conditions authorized herein.

#### Resolution

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

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

#### Roll Call Vote:

YES

NO

Jonathan Schneider

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John Lupinacci

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Suzanne McDonough

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Frank Lombardi

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Kenneth Schmitt

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## RESOLUTION #7

### RESOLUTION AUTHORIZING AWARD OF BID SYCAMORE PARK ROOF REPLACEMENT

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for the replacement of the roof at the Recreation Offices Facility located at Sycamore Park in the Town of Carmel: and

WHEREAS such bids were received and opened on April 29, 2016 and a bid opening memo is on file with Town Clerk Ann Spofford, and

NOW THEREFORE BE IT RESOLVED that upon the recommendation of Town Engineer Richard J. Franzetti, P.E., the Town Board hereby awards the aforesaid bid to Barone Construction Group, Highland, NY, the low responsible bidder meeting specifications at a cost not to exceed \$59,332.00; and ,

BE IT FURTHER RESOLVED that upon review of insurance certificates in form acceptable to Town Counsel, Kenneth Schmitt, Town Supervisor is hereby authorized to execute any other and further documentation necessary to accept such bid and contract for said services upon the terms 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	_____	_____

## RESOLUTION #8

### RESOLUTION ACCEPTING DONATION OF PARK BENCH

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes and accepts the donation of a park bench for the Mahopac Chamber Park from Mr. Barry Gelber of Mahopac, NY; and

BE IT FURTHER RESOLVED that said donated bench shall contain an engraved dedication which shall read "In Loving Memory of Bertha and Julius Gelber."

#### 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 IMPROVEMENTS AT MAHOPAC CHAMBER PARK

RESOLVED that the Town Board of the Town of Carmel, in connection with the proposed Eagle Scout project of Will Lacey of Boy Scouts of America hereby authorizes the performance of improvements at Mahopac Chamber Park in accordance with the memorandum and plans provided by Director of Recreation and Parks James R. Gilchrist as detailed in his memorandum to the Town Board dated May 6, 2016; and

BE IT FURTHER RESOLVED, that upon presentation of insurance certificates for all vendors and contractors proposed to perform improvements in connection with this authorization in form acceptable to Town Counsel, the aforesaid work may be commenced.

#### 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 #10

### RESOLUTION AUTHORIZING IMPROVEMENTS AT MCDONOUGH PARK

RESOLVED that the Town Board of the Town of Carmel, in connection with the proposed Eagle Scout project of Robert Sokerka of Boy Scouts of America hereby authorizes the performance of improvements at McDonough Park in accordance with the memorandum and plans provided by Director of Recreation and Parks James R. Gilchrist as detailed in his memorandum to the Town Board dated May 6, 2016; and

BE IT FURTHER RESOLVED, that upon presentation of insurance certificates for all vendors and contractors proposed to perform improvements in connection with this authorization in form acceptable to Town Counsel, the aforesaid work may be commenced.

#### 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 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 County of Putnam and its “Friday Night Barbeque Series “Events scheduled for the following dates at Putnam County Golf Club:

**June 3, 2016;**

**June 10, 2016;**

**June 17, 2016;**

**June 24, 2016;**

**July 8, 2016;**

**July 15, 2016;**

**July 22, 2016;**

**July 29, 2016;**

**August 5, 2016;**

**August 12, 2016;**

**August 19, 2016;**

**August 26, 2016**

Resolution

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

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

#### Roll Call Vote

#### YES

#### NO

Jonathan Schneider

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John Lupinacci

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Suzanne McDonough

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Frank Lombardi

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Kenneth Schmitt

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## RESOLUTION #12

### RESOLUTION MAKING APPOINTMENT TO ENVIRONMENTAL CONSERVATION BOARD

RESOLVED, that the Town Board of the Town of Carmel hereby re-appoints Vincent Turano to the Town of Carmel Environmental Conservation Board commencing June 14, 2016 and concluding June 13, 2019.

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 MAKING APPOINTMENT TO ENVIRONMENTAL CONSERVATION BOARD

RESOLVED, that the Town Board of the Town of Carmel hereby re-appoints Nick Fannin to the Town of Carmel Environmental Conservation Board commencing June 14, 2016 and concluding June 13, 2019.

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 MAKING APPOINTMENT TO TOWN OF CARMEL ENVIRONMENTAL CONSERVATION BOARD

RESOLVED that the Town Board of the Town of Carmel hereby appoints Robert Laga to the Town of Carmel Environmental Conservation Board for a term commencing retroactive to June 14, 2014 and expiring June 13, 2017.

#### 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 MAKING APPOINTMENT TO TOWN OF CARMEL ENVIRONMENTAL CONSERVATION BOARD**

RESOLVED that the Town Board of the Town of Carmel hereby appoints Anthony Dusovic to the Town of Carmel Environmental Conservation Board for a term commencing retroactive to June 14, 2014 and expiring June 13, 2017.

#### 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 #16

### RESOLUTION AUTHORIZING PAYMENT OF SICK TIME TOWN OF CARMEL POLICE DEPARTMENT

RESOLVED that the Town Board of the Town of Carmel hereby authorizes payment of sixty (60) days of accrued sick time at 75% to Town of Carmel Police Chief Michael Cazzari at a daily rate of \$570.91 for a total of \$25,690.82.

#### 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	_____	_____