

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

AGENDA
TOWN BOARD VOTING MEETING
Wednesday, December 4, 2013 7:00pm

Pledge of Allegiance – Moment of Silence

6:45 pm Executive Session:

1. Special Legal Counsel – Litigation

2. **Public Hearing:** To Hear Objections to Assessment Rolls for the Operation and Maintenance of the Improvements of the Garbage, Sewer and Water Districts and Town Garbage District for Fiscal Year 2014

Town Board Voting Meeting:

2. Accept Town Board Minutes November 6, 2013
 3. Res: Authorizing Submission of Statement of Delinquent Town of Carmel Water District and Sewer District Charges for Re-levying on the 2014 County Town Tax Bill
 4. Res: Authorizing Dedication of Ryan Court as a Town of Carmel Road
 5. Res: Authorizing Purchase of Capital Equipment for Town of Carmel Highway Department
 6. Res: Making Appointments to the Lake Casse Park District Advisory Board
 7. Res: Authorizing Distribution of the Lake Casse Park District Newsletter
 8. Res: Authorizing Execution of Agreement and General Release
 9. Res: Authorizing Deputy Supervisor to Sign Stipulation of Agreement to Retire
- **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**

Office of the Town Clerk
Carmel Town Hall
60 McAlpin Avenue
Mahopac, NY 10541

Published + Posted
11/21/13
cc: Supervisor

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Ann Spofford, Town Clerk

Phyllis Bourges, Deputy Town Clerk

PH#1

LEGAL NOTICE

**NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel, pursuant to Town Law Section 202-a will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York on Wednesday, December 4, 2013 at 7:00 PM or as soon thereafter that evening as possible for the following purpose:

To consider the 2014 Tentative Assessment Rolls of Carmel Sewer Districts #1, #2, #3, #4, #5, #6, #7 and #8 and extensions thereto as well as

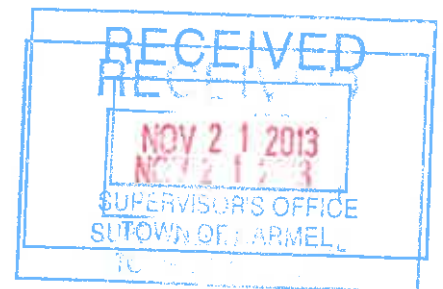
Carmel Water Districts #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, #13, and #14 and extensions thereto as well as the

Town of Carmel Garbage District

BE IT FURTHER NOTICED, that the 2014 Tentative Assessment Rolls may be inspected at the Town Hall, 60 McAlpin Avenue, Mahopac, New York during normal business hours.

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



#3

RESOLUTION AUTHORIZING SUBMISSION OF STATEMENT OF DELINQUENT TOWN OF CARMEL WATER DISTRICT & SEWER DISTRICT CHARGES FOR RELEVYING ON THE 2014 COUNTY & TOWN TAX BILL

RESOLVED that the Town Board of the Town of Carmel, pursuant to Section 198 of the Town Law of the State of New York, hereby authorizes submission of the attached statements of delinquent water and sewer charges for the Town's Water and Sewer Districts prepared by the Town Comptroller's Office and attached hereto and made a part hereof, to the Putnam County Legislature for the re-levying of such charges on the 2014 County and Town Tax Bill.

Resolution

Offered by: _____

Seconded by: _____

Roll Call Vote

YES

NO

Jonathan Schneider

John Lupinacci

Suzanne McDonough

Frank Lombardi

Kenneth Schmitt

**RESOLUTION CONSENTING TO THE DEDICATION OF
RYAN COURT AS A TOWN HIGHWAY**

WHEREAS an application to dedicate Ryan Court in the Baldwin Estates Subdivision to the Town of Carmel together with a Dedication and Release has been filed by Richard Dudyshyn Contracting Company, Inc., and

WHEREAS the Town Highway Superintendent and the Town Engineer have recommended that the road be accepted for dedication,

NOW, THEREFORE, BE IT RESOLVED, in accordance with the provisions of Section 171 of the Highway Law of the State of New York, that the Town Board of the Town of Carmel hereby consents to the dedication of Ryan Court in the Baldwin Estates Subdivision and hereby authorizes the Town Highway Superintendent to sign an Order Laying Out said Ryan Court as a Town Highway upon being advised by the Town Counsel that all necessary documents required in connection with said dedication have been received and approved; and

BE IT FURTHER RESOLVED that the Town Board members are hereby authorized to execute a consent of the Town Board in connection with the aforesaid dedication; and

BE IT FURTHER RESOLVED that, upon the recommendation of the Highway Superintendent and the Town Engineer, the posting of a maintenance bond for said road is hereby waived since the top course of pavement has been in place for over one year.

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 OF CAPITAL EQUIPMENT – HIGHWAY DEPARTMENT

WHEREAS, the Town Board of the Town of Carmel, has previously authorized capital borrowing and funding authorizing the purchase of certain capital equipment and vehicles for the Town of Carmel Highway Department in year 2013; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Carmel hereby also accepts the recommendation of the Town of Carmel Highway Superintendent and authorizes the purchase of a Henderson 14 foot AR/SS Multi-Task Wing Plow Truck from Henderson Truck Equipment, Watertown, NY, pursuant to Shared Municipal Oneida Contract RFP #1606 at a cost not to exceed \$104,950.00; and

BE IT FURTHER RESOLVED that Town Comptroller MaryAnn Maxwell is hereby authorized to make all budgetary transfers necessary to effect these authorizations and purchases.

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 MAKING APPOINTMENTS TO LAKE CASSE PARK DISTRICT ADVISORY BOARD

RESOLVED that the Town Board of the Town of Carmel, as Commissioners of the Lake Casse Park District, hereby appoints Erin O'Brien, Mahopac, NY to the Lake Casse Park District Advisory Board to serve at the pleasure of the Town Board; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel, as Commissioners of the Lake Casse Park District, hereby appoints Lourdes L. Valle, Mahopac, NY to the Lake Casse Park District Advisory Board to serve at the pleasure of the Town Board; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel, as Commissioners of the Lake Casse Park District, hereby appoints JoAnne F. White, Mahopac, NY to the Lake Casse Park District Advisory Board to serve at the pleasure of the Town Board.

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 MAILING
OF LAKE CASSE LAKE PARK DISTRICT NEWSLETTER**

RESOLVED that the Town Board, acting as the Commissioners of the Lake Casse Park District, hereby authorizes the mailing to all properties within the district of the newsletter prepared by the Lake Casse Park District Advisory Committee and that the cost thereof be charged as a district expense.

Resolution

Offered by: _____

Seconded by: _____

Roll Call Vote

YES

NO

Jonathan Schneider

John Lupinacci

Suzanne McDonough

Frank Lombardi

Kenneth Schmitt

#8

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT AND GENERAL RELEASE

WHEREAS, on November 13, 2013 Town of Carmel Town Supervisor Kenneth Schmitt filed Charges of Misconduct against employee #2355;

WHEREAS, on November 20, 2013 the Town Board of the Town of Carmel ("Town Board") appointed a Hearing Officer to conduct a Hearing regarding the Charges of Misconduct, and set a date of December 4, 2013 for the Hearing on the Charges of Misconduct; and

WHEREAS, Employee #2355 has submitted a letter of resignation and executed an Agreement and General Release.

NOW THEREFORE BE IT RESOLVED that this Town Board hereby accepts the resignation of Employee #2355.

BE IT FURTHER RESOLVED that the Town Board hereby authorized Supervisor Schmitt to execute the Agreement and General Release on behalf of the Town.

BE IT FURTHER RESOLVED that based on the resignation of employment by Employee #2355, the Town Board hereby withdraws the Charges of Misconduct dated November 13, 2013 filed by Supervisor Schmitt against Employee #2355 and cancels the Hearing previously set for December 4, 2013.

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 DEPUTY SUPERVISOR TO SIGN STIPULATION OF AGREEMENT TO RETIRE

WHEREFORE, on December 2, 2013, Town of Carmel Chief of Police Michael Johnson ("Chief Johnson") filed an Application for Retirement with the New York State & Local Retirement System ("Application for Retirement"); and

WHEREFORE, in conjunction with his Application for Retirement, which is set to commence on December 21, 2013, Chief Michael Johnson executed a Stipulation of Agreement to Retire;

NOW THEREFORE BE IT RESOLVED the Town Board for the Town of Carmel hereby accepts the retirement of Chief Michael Johnson as well as the terms outlined in the Stipulation of Agreement to Retire.

BE IT FURTHER RESOLVED that the Town Board hereby authorizes Deputy Supervisor Frank Lombardi to execute the Stipulation of Agreement to Retire on behalf of the Town no earlier than eight (8) calendar days following Chief Johnson's execution of the Stipulation of Agreement to Retire.

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	_____	_____