

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

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, August 1, 2018 7:00pm

Pledge of Allegiance – Moment of Silence

- Accept Town Board Minutes, July 11, 2018
- 1. Res: Making Probationary Appointment of Police Officer - Town of Carmel Police Department
- 2. Res: Re-Scheduling of Public Hearing On a Proposed Local Law Chapter 89 of the Code of the Town of Carmel, entitled "Freshwater Wetlands" (September 12, 2018)
- 3. Res: Consenting to the Formation of a Sewage Works Corporation Under New York Transportation Corporations Law
- 4. Res: Authorization Request for Proposals Pursuant to Property Maintenance Law
- 5. Res: Releasing Bond – Ronin Property Group, LLC
- 6. Res: Authorizing Payment for Emergency Repairs Carmel Water District #12
- 7. Res: Adopting the 2017 Service Award Annual Reports for Carmel Ambulance District #1
- 8. Res: Authorizing Attendance at NYS Association of Town Highway/County Superintendents
- 9. Res: Authorizing Submission of 2018-2019 Justice Court Grant Application
- 10. Res: Accepting Proposal for Engineering Services – Airport Park Improvements
- 11. Res: Authorizing Purchase and Installation of Guiderail Town of Carmel Highway Department
- 12. Res: Authorizing Settlement of Litigation
- **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**

Executive Session:

1. Police Chief Michael Cazzari – Personnel

RESOLUTION #1

RESOLUTION MAKING PROBATIONARY APPOINTMENT OF POLICE OFFICER – CARMEL POLICE DEPARTMENT

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Town of Carmel Police Department, hereby appoints Daniel Shea to the position of Police Officer in the Town of Carmel Police Department, effective July 30, 2018, at an annual salary of \$45,117.00, on a probationary basis, subject to the provisions of Civil service Law and the Civil Service Rules and Regulations.

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 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 on Wednesday September 12, 2018 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	_____	_____

RESOLUTION #3

RESOLUTION CONSENTING TO THE FORMATION OF A SEWAGE WORKS CORPORATION UNDER NEW YORK TRANSPORTATION CORPORATIONS LAW

WHEREAS, the Society Hill at Mahopac Condominium has requested that the Town Board of the Town of Carmel consent to the formation of a sewage works corporation pursuant to the provisions of the New York Transportation Corporations Law; and

WHEREAS, upon such request the Town Board directed Town Engineer Richard J. Franzetti, P.E. to undertake review and investigation of the existing conditions, status of regulatory approvals and compliance with jurisdictional requirements for the operations and maintenance of the sewage treatment plant located at Society Hill at Mahopac Condominium complex; and

WHEREAS, the Town Engineer has completed his review and investigation and the findings have been conveyed to the Town Board in a memorandum dated July 24, 2018; and

WHEREAS, the Town Engineer has indicated that based upon said review and investigation, the Office of the Town Engineer has no objection to the Town Board granting the request and consenting to the formation of the referenced sewer works corporation; and

WHEREAS, the Town Board has further been advised that The New York State Department of Environmental Conservation has refused to issue the requisite State Pollution Discharge Elimination Systems (SPDES) permit necessary for the lawful operation the aforesaid sewage treatment plant, which serves approximately 100 property owners within the Town of Carmel;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, pursuant to the provisions §116 of the New York State Transportation Corporation Law, hereby consents to the formation of Cedar Hill Sewer Works Corporation II, a sewage works corporation for the purpose of ownership, operation and maintenance of the sewage treatment plant located at the Society Hill at Mahopac Condominium complex; and

BE IT FURTHER RESOLVED that said consent is conditioned expressly upon the prompt and immediate delivery of all outstanding shares of stock in the referenced corporation to the office of Town Clerk Ann Spofford upon its formation, said shares to be held in escrow by the Town of Carmel; and

BE IT FURTHER RESOLVED that said consent is further conditioned expressly upon the prompt and immediate delivery of a long-term lease for the sewage treatment plant property and collection system equipment and facilities property to the Office Town Clerk Ann Spofford, along with a collateral assignment of said lease in favor of the Town of Carmel, to be held in escrow by the Town of Carmel.

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 #4

RESOLUTION AUTHORIZING REQUEST FOR PROPOSALS PURSUANT TO PROPERTY MAINTENANCE LAW

RESOLVED that the Town Board of the Town of Carmel, in accordance with Chapter 114 of the Town of Carmel Town Code titled "Property Maintenance" hereby authorizes Town of Carmel Director of Codes Enforcement Michael Carnazza to solicit/request proposals for the cleanup and correction of Town Code violations existing for the property located at 105 Longdale Road (Town of Carmel Tax Map # 65.14-1-24).

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 RELEASING BOND RONIN PROPERTY GROUP, LLC

WHEREAS applications have been made by Ronin Property Group, 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 74.11-1-20; 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 bond referenced herein specifically Signature Bank Bond/Letter of Credit No. S93060209 in the amount of \$37,800.00.

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 PAYMENT FOR EMERGENCY REPAIRS CARMEL WATER DISTRICT #12

RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #12, upon the recommendation of Town Engineer Richard J. Franzetti, PE, hereby authorizes payment to Ed Kuck Excavating, Carmel NY the sum of \$8,597.00 for good and services rendered in connection with saddle repairs performed at 40 Emily Lane and 44 Emily Lane within Carmel Water District #12, all in accordance with the invoice dated July 1, 2018; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #12, upon the recommendation of Town Engineer Richard J. Franzetti, hereby authorizes payment to Ed Kuck Excavating, Carmel NY the sum of \$5,105.00 for good and services rendered in connection with saddle repairs performed at 58 Jennifer Lane within Carmel Water District #12, all in accordance with the invoice dated July 1, 2018; and

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 ADOPTING THE 2017 SERVICE AWARD ANNUAL REPORTS FOR CARMEL AMBULANCE DISTRICT NO. 1

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Ambulance District No.1, hereby accepts the 2017 Length of Service Award Program (LOSAP) Annual Report for Carmel Ambulance District No. 1 as prepared by Penflex, Inc., a copy of which is on file in the Office of the Town Supervisor.

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 AUTHORIZING ATTENDANCE AT NYS ASSOCIATION OF TOWN HIGHWAY/COUNTY HIGHWAY SUPERINTENDENTS

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town of Carmel Highway Superintendent Michael Simone to attend the joint New York State Association of Town Superintendents of Highways/New York State County Highway Superintendent's Association Joint Conference being held September 17-20, 2018 in Oneida, NY; and

BE IT FURTHER RESOLVED that his 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>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

RESOLUTION #9

RESOLUTION AUTHORIZING SUBMISSION OF 2018-2019 JUSTICE COURT GRANT APPLICATION

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the submission by the Town Justice Court of the 2018- 2019 Justice Court Assistance Program Grant Application and hereby authorizes the Town Supervisor, Kenneth Schmitt to sign any and all documentation reasonably necessary to be submitted in connection with said application requesting up to the maximum available amount.

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 #10

RESOLUTION ACCEPTING PROPOSAL FOR ENGINEERING SERVICES AIRPORT PARK IMPROVEMENTS

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 improvements to be constructed at Airport Park in accordance with the proposal of July 9, 2018 at a cost not to exceed \$72,000.00; 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 #11

RESOLUTION AUTHORIZING PURCHASE AND INSTALLATION OF GUIDERAIL 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 purchase and installation of guiderail from Chemung Supply Elmira, NY pursuant to Ulster County Bid No. RFB-UC18-011 and Putnam County Bid No. RFB-39-17 for repairs to be performed on various Town of Carmel Roads, at an estimated cost of \$14,339.55 and in accordance with the terms of the memorandum dated July 27, 2018.

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 #12

RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION

WHEREAS, there is currently pending against the Town of Carmel in the Supreme Court of the County of Putnam, a certain lawsuit entitled "Terrell Kolodzinski vs. The Town of Carmel" filed under Index No. 1806/2014; and

WHEREAS a proposed settlement of the litigation has been negotiated by Town Counsel Gregory L. Folchetti, who has 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 lawsuit as recommended; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign, on behalf of the Town of Carmel, the settlement agreement and release, a copy of which is on file in the Office of the Town Supervisor.

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	_____	_____