

TOWN BOARD MEETING
TOWN HALL, MAHOPAC, N.Y.

A Regular Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 11th day of July 2018 at 7:14 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Schneider, Councilman Lupinacci, Councilwoman McDonough and Supervisor Schmitt. Councilman Barile was absent.

The Pledge of Allegiance to the Flag was observed prior to the start of official business. A moment of silence was held to honor those serving in the United States Armed Forces.

MINUTES OF TOWN BOARD MEETINGS HELD ON 6/6/18, 6/13/18 AND 6/20/18 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilwoman McDonough, seconded by Councilman Lupinacci, with all members of the Town Board present voting “aye”, the minutes of the Town Board meetings held on June 6th, June 13th and June 20th 2018 were accepted as submitted by the Town Clerk.

RESOLUTION IN SUPPORT OF ISSUANCE OF PERMANENT BASIC LIFE SUPPORT FIRST RESPONSE OPERATING CERTIFICATE - TOWN OF PATTERSON EMS - ADOPTED

RESOLVED THAT the Town Board of the Town of Carmel hereby supports the issuance by the New York State Department of Health to the Town of Patterson EMS a permanent Basic Life Support First Response operating certificate so that the Patterson EMS may operate as a Basic Life Support Agency; and

BE IT FURTHER RESOLVED THAT Town Supervisor Kenneth Schmitt is hereby authorized to issue and sign a letter of support in general form as attached hereto and made a part hereof, for transmission to the Town of Patterson EMS together with a certified copy of this resolution.

Resolution
Offered by: Councilman Schneider
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile			Absent
Jonathan Schneider	X		
John Lupinacci	X		
Suzanne McDonough	X		
Kenneth Schmitt	X		

Town of Patterson EMS
Attn: Denise Montana
P.O. Box 470
Patterson, NY 12563

Re: Letter of support to operate as a Basic Life Support First Response (BLS) Agency

Captain Montana,

We have received the Town of Patterson EMS’s request for a letter of support to make permanent the temporary New York State Department of Health Basic Life Support First Response operating certificate. Your letter contained the definition of “public need” utilized by the Department of Health in determining whether or not to make permanent your temporary status: *The demonstrated absence, reduced availability or an inadequate level of care in ambulance or emergency medical service available to a geographical area which is not readily correctable through the reallocation or improvement of existing resources.* Additionally, your letter explained how you have provided for the needs of the community in the past and how this change will provide for the needs of the community into the future.

(Cont.)

Our agency supports the Town of Patterson EMS’s application to become a permanent Basic Life Support First Response Agency. We have worked well together to serve the health care needs of the community through a systems-based approach and this change for the Town is evidence of improving such effectiveness and efficiency.

Printed Name

Title

Name of Agency

Signature

Date

REQUEST FOR PROPOSALS FOR CLEANUP AND CORRECTION OF TOWN CODE VIOLATIONS PURSUANT TO PROPERTY MAINTENANCE LAW - 66 ORCHARD ROAD (TM #74.34-1-39) - AUTHORIZED

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 properties located at 66 Orchard Road (Town of Carmel Tax Map # 74.34-1-39).

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lupinacci and Councilman Schneider

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	_____	_____	Absent
Jonathan Schneider	<u>X</u>	_____	
John Lupinacci	<u>X</u>	_____	
Suzanne McDonough	<u>X</u>	_____	
Kenneth Schmitt	<u>X</u>	_____	

Prior to being offered, the resolution was amended from its original form to remove the property located at 39 McAlpin Avenue. Supervisor Schmitt indicated that any Code violations that existed on the property were corrected.

MAHOPAC CHAMBER PARK - CHESS TABLE INSTALLATION FOR EAGLE SCOUT PROJECT OF CHRISTOPHER NEALON - AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel, in connection with the proposed Eagle Scout project of Christopher Nealon of Boy Scouts of America Scout Troop 371, hereby authorizes the installation of a Chess Table in Mahopac Chamber Park in accordance with memorandum and plans provided by Director of Recreation and Parks James R. Gilchrist dated June 12, 2018, subject to any required jurisdictional approvals; 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.

(Cont.)

Resolution
Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile			Absent
Jonathan Schneider	X		
John Lupinacci	X		
Suzanne McDonough	X		
Kenneth Schmitt	X		

VARIOUS WATER DISTRICTS AND SEWER DISTRICTS - PAYMENT OF 2017 CLAIMS FROM FISCAL YEAR 2018 OPERATING FUNDS AUTHORIZED - PHOENIX ENVIRONMENTAL LABORATORIES

WHEREAS, The Office of the Town Comptroller has received late voucher claims for expenditures incurred in fiscal year 2017 which were not encumbered; and
WHEREAS, The Town Board must specifically authorize and approve payment of fiscal year 2017 claims from funds budgeted for fiscal year 2018;
NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the various Water and Sewer Districts of the Town of Carmel, hereby authorizes the payment of the sum of \$3,205.00 to Phoenix Environmental Laboratories, Manchester, CT for sampling services rendered in 2017 to the various Town of Carmel Water Districts and Sewer Districts.

Resolution
Offered by: Councilman Schneider
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile			Absent
Jonathan Schneider	X		
John Lupinacci	X		
Suzanne McDonough	X		
Kenneth Schmitt	X		

RESOLUTION FROM 6/27/18 AMENDED - SETTLEMENT OF LITIGATION AUTHORIZED - "SHALINI BARNWAL VS. THE TOWN OF CARMEL" - TAX ASSESSMENT FOR TM #44.15-1-37

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 500487/2017 a certain lawsuit entitled "Shalini Barnwal vs. the Town of Carmel" regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 44.15-1-37; and
WHEREAS a proposed settlement of the litigation has been negotiated by Glen Droese, Town Assessor, and Special Counsel Gregory L. Folchetti, both of whom have 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 litigation as recommended; and
BE IT FURTHER RESOLVED that Special Counsel Gregory L. Folchetti is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution
Offered by: Councilwoman McDonough
Seconded by: Councilman Lupinacci

(Cont.)

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile			Absent
Jonathan Schneider	X		
John Lupinacci	X		
Suzanne McDonough	X		
Kenneth Schmitt	X		

PUBLIC HEARING SCHEDULED FOR 8/8/18 - THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF CARMEL SEWER DISTRICT NO. 1 - \$170,000 BONDS - OFFERED AS PARAPHRASED AND PRE-FILED

WHEREAS, the Town Board of the Town of Carmel, Putnam County, New York, has caused to be prepared a map, plan and report, including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of Carmel Sewer District No. 1 in the Town of Carmel, Putnam County, New York (the “Sewer District”), consisting of the purchase and installation of approximately 450 linear feet of 8 inch sewer line, including three (3) manholes, two (2) service laterals and restoration of NYSDOT right of way, including original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith at a maximum estimated cost of \$170,000; and

WHEREAS, said project is hereby 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 (“SEQRA”), the implementation of which as proposed, such regulations provide will not result in any significant adverse environmental impacts; and

WHEREAS, it is now desired to call a public hearing on the question of the increase and improvement of the facilities of said Sewer District, in the matter described above, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202 b of the Town Law; NOW, THEREFORE, IT IS HEREBY

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

Section 1. A public hearing will be held in the Town Hall, in Mahopac, New York, in said Town, on August 8, 2018, at 7:00 o'clock P.M., Prevailing Time, on the question of the increase and improvement of the facilities of the Sewer District, in the Town of Carmel, Putnam County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the official newspaper, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty, days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the form attached hereto as Exhibit A and hereby made a part hereof.

Section 4. This order shall take effect immediately.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile			Absent
Jonathan Schneider	X		
John Lupinacci	X		
Suzanne McDonough	X		
Kenneth Schmitt	X		

(Cont.)

EXHIBIT A

NOTICE OF PUBLIC HEARING

Carmel Sewer District No. 1 of the Town of Carmel, Putnam, New York

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Carmel, Putnam County, New York, will meet in the Town Hall, in Mahopac, New York, in said Town, on August 8, 2018, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a certain map, plan and report, including an estimate of cost, in relation to the proposed to the increase and improvement of the facilities of Carmel Sewer District No. 1 in the Town of Carmel, Putnam County, New York (the "Sewer District"), consisting of the purchase and installation of approximately 450 linear feet of 8 inch sewer line, including three (3) manholes, two (2) service laterals and restoration of NYSDOT right of way, including original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith at a maximum estimated cost of \$170,000.

The capital project described above has been determined to be a "Type II Action" pursuant to the regulations promulgated under the State Environmental Quality Review Act ("SEQRA") which such regulations provide will not result in any significant environmental adverse impacts. The map, plan and report are available in the office of the Town Clerk, where they may be inspected during regular office hours.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Mahopac, New York,
July __, 2018.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF
CARMEL, PUTNAM COUNTY, NEW YORK

Ann Spofford
Town Clerk

PAYMENT FOR CONSTRUCTION DEBRIS REMOVAL AUTHORIZED - 628 ROUTE SIX, MAHOPAC - MIKE'S BLUE WHEELS - \$5,337.00

RESOLVED, the Town Board of the Town of Carmel hereby authorizes payment to Mike's Blue Wheels, Mahopac, NY for services rendered in connection with construction debris removal for the premises at 628 Route Six, Mahopac, NY in the amount of \$5,337.00 and in accordance with the invoice dated July 5, 2018; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any necessary budget modifications required in connection with the payment authorized hereunder.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u> </u>	<u> </u>	Absent
Jonathan Schneider	<u> X </u>	<u> </u>	
John Lupinacci	<u> X </u>	<u> </u>	
Suzanne McDonough	<u> X </u>	<u> </u>	
Kenneth Schmitt	<u> X </u>	<u> </u>	

Councilman Schneider offered a motion to discuss the resolution as drafted. The motion was seconded by Councilman Lupinacci.

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Councilman Schneider explained that the resolution pertains to the removal of eight cottages from the Town owned property known as Swan Cove. He stated that approximately \$15,000.00 of the total invoice amount is for the construction debris disposal fee and approximately \$5,000.00 is for transportation costs and equipment rental. Councilman Schneider noted that Mike's Blue Wheels as well as the Ferrieri family volunteered at the project.

Councilman Lupinacci questioned the Engineering Department's approval for the tonnage in connection with the disposal fee being "subject to Town Board approval". He pointed out that the Engineering Department should approve this expenditure first, and then the Town Board would adopt the resolution based on their due diligence. Councilman Lupinacci suggested that the Town Board hold off on approving the \$15,011.36 portion of the invoice for the dumping fees until the Engineering Department reconciles the tonnage and signs off on it without being subject to any conditions. He recommended approving the \$5,337.00 for transportation and equipment costs at this time because those expenses were incurred by the volunteers.

The Town Board held a discussion with Town Comptroller Mary Ann Maxwell regarding the matter, at the conclusion of which the resolution was reoffered by Councilman Schneider and seconded by Councilman Lupinacci to reflect the amended amount from \$20,348.36 to \$5,337.00.

PUBLIC COMMENTS - AGENDA ITEMS

No member of the public wished to comment at this time.

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

No member of the Town Board wished to comment at this time.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Lupinacci and Councilman Schneider, with all Town Board members present in agreement, the meeting was adjourned at 7:31 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk