

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 21<sup>st</sup> day of August 2013 at 7:12 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Schneider, Councilwoman McDonough, Councilman Lombardi and Supervisor Schmitt. Councilman Lupinacci was absent.

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

**MINUTES OF TOWN BOARD MEETING HELD ON 7/24/13 - ACCEPT AS SUBMITTED BY THE TOWN CLERK**

On motion by Councilman Lombardi, seconded by Councilman Schneider, with all members of the Town Board present voting “aye”, the minutes of the Town Board meeting held on July 24, 2013 were accepted as submitted by the Town Clerk.

**BOND RELEASE AUTHORIZED - MANZO - TM #42-1-21.1**

WHEREAS application has been made by John Manzo for the total release of a bond posted in accordance with the Land Subdivision and/or Zoning Regulations for Town of Carmel Tax Map #42-1-21.1; and

WHEREAS said applications have been reviewed by the Town Engineer Ronald J. Gainer, P.E. and release of the bond has been recommended and approved by the Town Engineer and Town of Carmel Planning Board,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the bond for John Manzo, Western Surety Company Bond no. 71139657 in the amount of \$4,800.00.

Resolution

Offered by: Councilman Schneider  
Seconded by: Councilman Lombardi

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

**MAHOPAC CHAMBER PARK - REQUEST FOR PROPOSAL ACCEPTED FOR ELECTRICAL UPGRADES - LAWRENCE LIGHT ELECTRICAL CONTRACTORS, CO. INC.- NOT TO EXCEED \$6,800.00**

RESOLVED that the Town Board of the Town of Carmel, hereby authorizes acceptance of the proposal of Lawrence Light Electrical Contractors, Co., Inc., Mahopac, NY for installation of electrical upgrades at Mahopac Chamber Park at a cost not to exceed \$6,800.00; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt is hereby authorized to sign and accept such proposal in form as attached hereto and made a part hereof.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilman Schneider

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Roll Call Vote	YES	NO	
Jonathan Schneider	X		Absent
John Lupinacci			
Suzanne McDonough	X		
Frank Lombardi	X		
Kenneth Schmitt	X		

Invoice

Lawrence Light Electrical Contractors Co., Inc.  
PO Box 745  
Mahopac, NY 10541  
Phone: 914-879-8725  
fax: 845-871-5971

Bill To:
SYCAMORE PARK
790 Long Pond Rd.
Mahopac, NY 10541

Date	Invoice No.	P.O. Number	Terms	Project
07/30/13	750		Due on receipt	

Item	Description	Quantity	Rate	Amount
	ESTIMATE FOR THE FOLLOWING PROPOSED ELECTRICAL CONSTRUCTION AT THE CHAMBER PARK.  WORK TO INCLUDE THE FOLLOWING:  INSTALL FIRST TRENCH FROM THE EXISTING PANEL TO THE CHRISTMAS TREE. EXTEND FIRST TRENCH FROM THE CHRISTMAS TREE TO THE BUSHES BY THE ROAD. INSTALL THIRD TRENCH FROM THE EXISTING			
	PANEL 50 FEET TO THE RIGHT SIDE OF THE GAZEBO. INSTALL 1 INCH PVC PIPING TO EACH LOCATION. INSTALL DECORATIVE POSTS TO ACCOMMODATE 4 QUAD GFCI PROTECTED RECEPTACLES EACH QUAD TO HAVE DEDICATED 120 VOLT 20 AMP CIRCUIT. 1 - 16 CIRCUIT SUB PANEL MOUNTED NEXT TO AND CONNECTED TO THE EXISTING PANEL. 1 - CONTACTOR CONTROLLED BY A TIME CLOCK TO CONTROL THE NEW RECEPTACLES. CONNECT EXISTING POLE MOUNTED GFCI RECEPTACLES. BACKFILL TRENCHES, SEED AND HAY.			
			Total	

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Invoice

Lawrence Light Electrical Contractors Co. Inc.  
PO Box 745  
Mahopac, NY 10541  
Phone: 914-879-8725  
fax: 845-821-5971

Bill To:
SYCAMORE PARK
790 Long Pond Rd.
Mahopac, NY 10541

Date	Invoice No.	P.O. Number	Terms	Project
07/30/13	750		Due on receipt	

Item	Description	Quantity	Rate	Amount
1	TOTAL LABOR AND MATERIAL FOR ABOVE.		6,800.00	6,800.00
	THANK YOU.		7.25%	0.00
			Total	\$6,800.00



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**HIGHWAY DEPARTMENT - DISPOSAL OF VEHICLES AND EQUIPMENT AUTHORIZED**

RESOLVED that, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, the Town Board of the Town of Carmel hereby authorizes the disposal of the following Highway Department vehicle in accordance with Town Law, including but not limited to Town Law §64(2-a):

- **TRUCK #6 – 1999 CHEVROLET UTILITY VIN #1GBJK34RXXF083313**
- **TRUCK #9– 1987 CHEVROLET STEP VAN VIN #1GBFP22J4H3338474**
- **TRUCK #10 – 1998 CHEVROLET SURPLUS PICKUP VIN #1GCEC14WXWZ233373**

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman Lombardi

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

Supervisor Schmitt explained that the aforementioned vehicles being disposed of are in poor condition and are being replaced with good condition pre-owned vehicles at a cost savings.

**HIGHWAY DEPARTMENT - PURCHASE OF CAPITAL EQUIPMENT AUTHORIZED - JOHN DEERE 544K LOADER - NOT TO EXCEED \$132,006.76**

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

WHEREAS, Town of Carmel Highway Superintendent Michael Simone has recommended the purchase of a John Deere 544k loader in connection with the borrowing and funding authorization for capital equipment referenced above; and

WHEREAS the Town of Carmel Highway Superintendent has recommended and represented to the Town Board that the particular equipment sought will be purchased from the New York State Bid List, Office of General Services Contract #22063;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby accepts the recommendation of the Town of Carmel Highway Superintendent and hereby authorizes the purchase of the John Deere 544k Loader, NYS Contract #22063 at a price not to exceed \$132,006.76; and

BE IT FURTHER RESOLVED, that Town Comptroller MaryAnn Maxwell is hereby authorized to make all budgetary transfers necessary to effect this authorization and purchase.

Resolution

Offered by: Councilman Schneider  
Seconded by: Councilwoman McDonough

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

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**TOWN OF CARMEL TOWN ASSESSOR RE-APPOINTMENT AUTHORIZED -  
GLENN DROESE - TERM COMMENCING 10/1/13 AND CONCLUDING 9/30/19**

RESOLVED, that the Town Board of the Town of Carmel, pursuant to New York Town Law §24, hereby re-appoints Glenn Droese as Town Assessor, for a term commencing October 1, 2013 and concluding September 30, 2019.

Resolution  
Offered by: Councilman Lombardi  
Seconded by: Councilman Schneider, Councilwoman McDonough and Supervisor Schmitt

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

Supervisor Schmitt spoke regarding Glenn Droese’s outstanding performance as Town Assessor. He and the other members of the Town Board present expressed congratulations to Mr. Droese.

**TOWN ENGINEER - REQUEST FOR PROPOSALS FOR MS4 GENERAL PERMIT  
GIS MAPPING - AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel, hereby authorizes Town Engineer, Ronald Gainer, PE, to request proposals for the performance and provision of MS4 General Permit GIS stormwater system and outfall mapping in accordance with the terms of General Permit -0-10-002.

Resolution  
Offered by: Councilwoman McDonough  
Seconded by: Councilman Lombardi

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

**SOUND AMPLIFICATION PERMIT APPLICATION FEE WAIVED - THE PUTNAM  
COUNTY GOLF COURSE**

RESOLVED that the Town Board of the Town of Carmel hereby waives the sound amplification permit fee regarding the application of the Putnam County Golf Course for Friday Night Barbeques held through October 11, 2013 and Grand Opening Event to be held on September 27, 2013.

Resolution  
Offered by: Councilman Schneider  
Seconded by: Councilman Lombardi

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

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Supervisor Schmitt explained that the Town Board decided to waive the aforementioned fee because the Putnam County Golf Course is owned and operated in part by Putnam County, and that the licenses for the golf course are held by Putnam County.

Councilman Schneider added that he voted in favor of waiving the fee because the lease that Putnam County has for the facility is incentive based. The better the facility does, the more money goes back to the Putnam County taxpayers.

**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.

**OPEN FORUM - PUBLIC COMMENTS**

Brianna Post spoke regarding the need for a community center to provide recreational services to the children in the Town of Carmel.

Councilman Schneider spoke regarding past and renewed efforts to bring a YMCA to the Town of Carmel. He invited Ms. Post to provide her contact information to participate in an advisory committee to be established. He explained that due to the costs involved, a Town of Carmel Recreation and Parks facility is being dual tracked as a long-term project along with a YMCA.

Councilman Lombardi added that there is a Parks and Recreation Master Plan that calls for a community center to be built at Sycamore Park and that the Town of Carmel has obtained a grant to prepare the drawings and studies associated with it. He stated that the parking lot has been paved at Sycamore Park in anticipation of things to come when the economy improves.

Councilwoman McDonough noted that plans for the facility were available for viewing at the Recreation and Parks Department at Sycamore Park. Discussion ensued.

Scott Friedman expressed his frustration with issues in connection with rate increases imposed on Carmel Water District #2 residents by the City of New York. He stated that it is important that the excessive rates are challenged and offered to represent the Town on a pro bono basis to commence an action to do so. Mr. Friedman asked that he be invited to discuss the matter at a future Work Session.

Supervisor Schmitt stated that the issue was a subject of proposed litigation.

Gregory Folchetti, Legal Counsel explained that the mechanics of proposed litigation undertaken by the Town Board and choosing any attorney to do so is typically done in executive session. The authorization with regard to the litigation would need to be done by resolution at a public session if and when the Town Board decides to do so.

Mr. Folchetti continued that for the last twelve or thirteen years, there has always been representation by the Town at the hearings held and generally a letter of protest submitted to challenge the rates set by the New York City Water Board for Carmel Water District #2. He believed that the mechanics of the proposed litigation was something that the Town Board was considering for a general discussion in executive session at their next meeting and if they choose to move forward with any action with whomever they decide upon, it would be authorized by resolution at a public meeting.

Mr. Friedman requested that the matter be a publically discussed agenda item.

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Councilman Schneider stated that he would not be comfortable discussing who would legally represent the Town as well as any other strategy in connection with the matter, in a public forum. However, he did not oppose public discussion in contemplation of action. Councilman Schneider expressed his appreciation to Mr. Friedman for his offer to represent the Town and asked him to put it in writing and send to the Town Board along with his qualifications.

Mr. Friedman inquired why the Town Board is not addressing the YMCA that was proposed for the property sold by the Town located in the hamlet of Carmel.

Councilwoman McDonough stated that the matter has been addressed and is a subject of litigation.

Mr. Friedman inquired what the litigation was concerning. Discussion was held.

Mr. Folchetti clarified that there is a contract for the sale of the property between the Town and a vendor that also had an option contract with the YMCA of Greater Danbury to purchase a piece of property. The timeframe in the Town's contract with the vendor did not mirror the timeframe in the YMCA's contract with the vendor. Currently there is a dispute as to whether certain rights of the Town have triggered as a result of the passage of time.

Councilman Schneider emphasized that the Town Board is still researching other avenues to bring a community center to the Town of Carmel.

Mr. Friedman stated that certain actions taken by the Town Board in executive session have compromised the community's interest.

Councilwoman McDonough disagreed and pointed out that Mr. Friedman is presently running for the office of Putnam County legislator.

**OPEN FORUM - TOWN BOARD MEMBER COMMENTS**

Councilwoman McDonough announced that the Mahopac Volunteer Fire Department will be holding a golf tournament on September 9, 2013 at the Putnam County Golf Course.

Supervisor Schmitt added the golf tournament kicks off the fire department's 100<sup>th</sup> year anniversary celebration festivities.

Supervisor Schmitt announced that the Town of Carmel's 2013 Concert Series continues tomorrow, August 22, 2013 at the Mahopac Chamber Park with Hooked on Dixie performing old Dixieland favorites.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Schneider, with all Town Board members present in agreement, the meeting was adjourned at 7:57 p.m.

Respectfully submitted,

Ann Spofford, Town Clerk