

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 1st day of July, 2015 at 7:16 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, Councilman Lombardi and Supervisor Schmitt. Councilwoman McDonough was absent.

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

MINUTES OF TOWN BOARD MEETING HELD ON JUNE 10, 2015 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all members of the Town Board present voting “aye”, the minutes of the Town Board meeting held on June 10, 2015 were accepted as submitted by the Town Clerk.

STANDARD WORK DAY AND REPORTING TO NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM FOR ELECTED AND APPOINTED OFFICIALS ESTABLISHED – PREVIOUS RESOLUTIONS FROM NOVEMBER 8, 2012 AND MARCH 20, 2015 (CORRECT DATE FEBRUARY 4, 2015) - AMENDED

WHEREAS, on November 8, 2012 and March 20, 2015, the Town Board adopted Resolutions entitled “Standard Workday and Reporting Resolution” and “Amended Standard Workday and Reporting Resolution” respectively in accordance with the New York State Comptroller’s Office; and

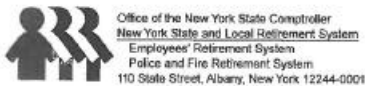
WHEREAS, the Office of the State Comptroller has notified the Town Clerk that there were certain deficiencies in such resolution and has directed the Town Board to make appropriate changes and adopt an amended resolution to cure such deficiencies

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby establishes the following as standard workdays for elected and appointed officials and will report the officials to the New York State and Local Employees’ Retirement System based on the time keeping system records or their record of activities maintained and submitted by these officials to the Town Clerk as submitted on the attached “Standard Work Day and Reporting Resolution for Elected and Appointed Officials” forms 2417-A and 2417-B from the New York State and Local Retirement System.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilman Lombardi

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



Standard Work Day and Reporting Resolution
for Elected and Appointed Officials

RS 2417-A
(Rev. 3/14)

BE IT RESOLVED, that the Town of Carmel / 30088 hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

Title	Standard Work Day (Hrs./day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Participates in Employer's Time Keeping System (Yes/No-If Yes, do not complete the last two columns)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
Elected Officials									
Town Councilperson	6	Frank Lombardi			<input type="checkbox"/>	1/1/14-12/31/17	N	23.64	<input type="checkbox"/>
Town Councilperson	6	Suzanne McDonough			<input type="checkbox"/>	1/1/14-12/31/17	N	22.01	<input type="checkbox"/>
Town Councilperson	6	John Lupinacci			<input type="checkbox"/>	1/1/12-12/31/15	N	7.22	<input type="checkbox"/>

JULY 1, 2015
TOWN BOARD MEETING

Appointed Officials

ECB Board Member	6	Richard Franzetti				6/14/10-11/20/13	N	1.41	
Planning Board Member	6	Harold Gary				3/21/12-12/31/18	N	.53	
Zoning Board Member	6	Mark Fraser				12/31/08-12/31/14	N	2.50	

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

I, Ann Spofford, secretary/clerk of the governing board of the Town of Carmel, of the State of New York,
(Name of secretary or clerk) (Circle one) (Name of Employer)

do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 1 day of July, 2015 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Carmel on this day of , 20 .
(Signature of the secretary or clerk) (Name of Employer)

Affidavit of Posting: I, Ann Spofford, being duly sworn, deposes and says that the posting of the
(Name of secretary or clerk)
Resolution began on and continued for at least 30 days. That the Resolution was available to the public on the
(Date)

☒ Employer's website at www.tccarmel.ny.us
☒ Official sign board at Carmel Town Hall
☒ Main entrance secretary or clerk's office at 60 McAlpin Ave, Mahopac, NY 10541

(seal)

Page 1 of 2 (for additional rows, attach a RS2417-B form).

RS 2417-A (Rev. 3/14) Page 2

Instructions for completing the Standard Work Day and Reporting Resolution

A. Title	B. Standard Work Day (Hrs/day) Min. 6 hrs, Max. 8 hrs	C. Name (First & Last)	D. Social Security Number (Last 4 digits)	E. Registration Number	F. Tier 1 (Check only if member is in Tier 1)	G. Current Term Begin & End Dates (mm/dd/yyyy-mm/dd/yyyy)	H. Participates in Employer's Time Keeping System (Yes/No-If Yes, do not complete the last two columns)	I. Record of Activities Result*	J. Not Submitted (Check only if official did not submit their Record of Activities)
Elected Officials									
Highway Superintendent	8.00	John Smith	0000	0101010-1		1/1/2010-12/31/2013	N	32.79	
Receiver of Taxes	6.00	Michelle Jones	1111	0202020-2	X	1/1/2010-12/31/2014	N	NA	
Town Justice	6.25	Michael Hall	2222	0303030-3		1/1/2010-12/31/2011	N		X
Appointed Officials									
Planning Board Member	7.00	Joseph Gray	3333	0404040-4		1/1/2010-12/31/2019	N	17.54	
Assessor	7.50	Ann Hughes	4444	0505050-5		1/1/2010-12/31/2010	Y		

A. **Title:** All paid elected and appointed officials (who are active members of the Retirement System) must be listed. For the purpose of the regulation, an "appointed official" is someone who is appointed by an elected official, an appointed official or governing board. They hold an office in an organization or government and participate in the exercise of authority. This also includes appointees of elected and appointed officials such as deputies, assistants or confidential secretaries.

B. **Standard Work Day:** The minimum number of hours that can be established for a standard work day (SWD) is six, while the maximum is eight. A SWD is the denominator to be used for the days worked calculation; it is not necessarily always the number of hours a person works. For example, if a board member only attends one three-hour board meeting per month, you must still establish a SWD between six and eight hours as the denominator for their record of activities (ROA) calculation.

C. **Name:** The official's complete first and last name must be included for identification purposes.

D. **Social Security Number:** The last four digits of the official's Social Security Number must be included for identification purposes. For security purposes, the last four digits of the Social Security Number can be omitted from the publicly posted version.

E. **Registration Number:** The official's Registration Number must be included for identification purposes. For security purposes, the Registration Number can be omitted from the publicly posted version.

F. **Tier 1:** If the official is a Tier 1 member, this box should be checked. Tier 1 members are not required to keep a ROA.

G. **Current Term Begin & End Dates:** All officials listed on the Resolution must have a specified Term End date. Leaving this column blank or listing "Tenure/At Pleasure" is not acceptable. If the official does not have a designated term, the current term for the official who appointed them to the position should be used. If they are appointed by the governing board, the chairman of the board's term should be used.

H. **Participates in the Employer's Time Keeping System:** If the official is paid hourly or participates in the employer's time keeping system, Yes must be listed in this column. These officials are not required to keep a sample ROA and the Record of Activities Result column must be left blank. If the official is not paid hourly or does not participate in the employer's time keeping system, No must be listed in this column. Elected officials who are paid a salary and are not subject to an accrual system typically fall into this category. These officials are required to keep a sample three-month ROA, regardless of whether they are being reported by another employer for the same period, and the Record of Activities Result column must list the average number of days worked per month as calculated using the sample three-month ROA.

I. **Record of Activities Result*:** This column should only be completed for officials who are not paid hourly or do not participate in the employer's time keeping system and are required to keep a sample three-month ROA. This column must be left blank if an official does not submit their required sample three-month ROA. To determine the average number of days worked per month, you must divide the total number of hours documented on the three-month ROA by three months to get a one-month average number of hours worked. Then, the one-month average number of hours worked must be divided by the SWD to get the average number of days worked per month.

J. **Not Submitted:** This column must be checked if an official does not participate in the time keeping system and has not submitted the required sample three-month ROA within the 150 day requirement, regardless of whether they are being reported by another employer for the same period. If the Retirement System receives such a Resolution, it will contact the official to notify them of the consequences of not submitting the ROA.

Once passed, the Resolution must be posted on your public website for a minimum of 30 days or, if a website isn't available to the public, on the official sign-board or at the main entrance to the clerk's office. A certified copy of the Resolution and Affidavit of Posting must be filed with the Office of the State Comptroller within 45 days of the adoption. The Resolution and Affidavit can be submitted online via the Elected and Appointed Officials Reporting (EAOR) program.

*To determine the number of days worked to include on the monthly report for the various payroll frequencies, please refer to the Calculating Days Worked instructions available in the 'Reporting Elected & Appointed Officials' section of our website: http://www.psc.state.ny.us/retire/employers/elected_appointed_officials/index.php

Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution
for Elected and Appointed Officials Continuation Form
RS 2417-B

(Rev. 3/14)

Title	Standard Work Day (Hrs/day) Min. 6 hrs, Max. 8 hrs	Name (First & Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yyyy-mm/dd/yyyy)	Participates in Employer's Time Keeping System (Yes/No-If Yes, do not complete the last two columns)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
Elected Officials									
Town Councilperson	6	Jonathan Schneider			<input type="checkbox"/>	1/1/12-12/31/15	N	8.41	<input type="checkbox"/>
Town Clerk	7	Ann Spofford			<input type="checkbox"/>	1/1/12-12/31/15	N	19.44	<input type="checkbox"/>
Highway Superintendent	7	Michael Simone			<input type="checkbox"/>	1/1/12-12/31/15	N	25.50	<input type="checkbox"/>
Receiver of Taxes	7	Kathleen Kraus			<input type="checkbox"/>	1/1/12-12/31/15	N	22.67	<input type="checkbox"/>
Town Justice	6	Thomas Jacobellis			<input type="checkbox"/>	1/1/12-12/31/15	N	15.61	<input type="checkbox"/>
Town Justice	6	Joseph Spofford			<input type="checkbox"/>	1/1/13-12/31/18	N	15.92	<input type="checkbox"/>
					<input type="checkbox"/>				<input type="checkbox"/>

JULY 1, 2015
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Appointed Officials									
Planning Board Member	5	Craig Peeples				1/1/14-12/31/20	N		<input checked="" type="checkbox"/>
Deputy Hwy Superintendent	8	Robert Erickson				1/1/12-12/31/15	Y		
Town Comptroller	8	Mary Ann Maxwell				1/1/14-12/31/15	Y		
Confidential Secretary	8	Anne Pasquarillo				1/1/14-12/31/15	Y		
Town Assessor	8	Glenn Drees				10/1/13-9/30/19	Y		
Deputy Tn Clerk/Sub Reg	8	Antoinette Pisavento				1/1/12-6/2/15	Y		
Court Clerk	8	Lisa Laquidara				1/1/13-12/31/15	Y		
Court Clerk	8	Marie Paprocki				1/1/12-12/31/15	Y		
Deputy Tn Clerk/Reg of Vital	8	Phyllis Bourges				1/1/12-12/31/15	Y		
Employer <u>Town of Carmel</u> Location Code <u>30088</u> Page <u>2</u> of <u>2</u> (use with form RS 2417-A)									

STANDARD WORK DAY AND REPORTING TO NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM FOR EMPLOYEES ESTABLISHED

RESOLVED, that the Town Board of the Town of Carmel hereby establishes the following as standard workdays for employees and will report days worked to the New York State and Local Employees' Retirement System based on the time record keeping system or the record of activities maintained and submitted by the members to the Town Clerk as submitted on the attached "Standard Work Day for Employees" form RS 2418 from the New York State and Local Retirement System.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Schneider

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



Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

**Standard Work Day
Resolution for Employees*
RS 2418**
(Rev. 7/11)

BE IT RESOLVED, that the Town of Carmel, Location code 30088, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body:

Title	Standard Work Day (Hrs/day)
Part Time Office Assistant	6
Part Time Real Property Appraiser	6
Part Time Laborer/Maintenance	6
Seasonal Lifeguard	8
Seasonal Day Camp Staff	6
Seasonal Part Time Staff	8
Dog Control Officer	6

On this _____ day of _____, 20____

(Signature of clerk) Date enacted: _____

I, Ann Spofford, clerk of the governing board of the Town of Carmel
(Name of Employer)

of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the _____ day of _____, 20____ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 5 members, and that _____ of such members were present at such meeting and that _____ of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto
Set my hand and the seal of the
Town of Carmel
(Name of Employer)



*To be used for all employees. Please list Elected and Appointed Officials on the form (RS2417-A) Standard Workday and Reporting Resolution for Elected and Appointed Officials.

JULY 1, 2015
TOWN BOARD MEETING

RS 2418 (Rev. 7/11) Page 2

Instructions for completing the Standard Work Day Resolution

A	B
Title	Standard Work Day (Hrs/day)
Accountant	8.00
Clerk	7.00
Bookkeeper	7.50
Data Collector	6.00
Secretary	7.25
Typist	7.50
Custodian	8.00
Laborers	8.00

- A. **Title:** You must establish a standard work day for each employee title (e.g. clerks, bus drivers, etc.) even if you do not have any full-time employees in that title. You may establish several standard work days for different positions. For example, all laborers may have an eight hour standard work day, all clerical workers seven and a half hours, and all elected officials six hours. Employers may also establish several standard work days for the same title, depending if there are significant variances in the job duties.
- B. **Standard Work Day (Hrs/day):** The minimum number of hours that can be established for a standard workday is six, while the maximum is **eight**. A standard workday is the denominator to be used for the days worked calculation; it is not necessarily always the number of hours a person works. For example, if a clerk is only required to work three hours a day, you must still establish a standard workday between six and eight hours as the denominator for their days worked calculation.

Once the Resolution is passed, it must be kept on file by the employer and made available to the Retirement System upon request.

**BREWSTER MEADOWLAND PL CAPITOL – TM# 55.11-1-8,9 & 10 – BOND
RELEASE - AUTHORIZED**

WHEREAS application has been made by Brewster Meadowland PL Capitol for the total release of a site plan bond posted in accordance with the Land Subdivision and/or Zoning Regulations of the Town of Carmel for Tax Map #55.11-1-8, 9 & 10, 1952 Route Six, Carmel, NY; and

WHEREAS said application has been reviewed by the Town Engineer, Richard J. Franzetti, P.E. and release of the bond has been recommended and approved by the Town Engineer, and the 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 site plan bond posted for Tax Map #'s 55.11-1-8, 9 & 10, JP Morgan Chase Bank Bond # CTCS-203384 in the amount of \$273,000.00.

Resolution

Offered by: Councilman Lupinacci
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>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Frank Lombardi	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

**ASSESSOR GLENN DROESE – ATTENDANCE AT SEMINARS IN ONEONTA, NY
ON SEPTEMBER 11, 2015 AND OCTOBER 4 – 7, 2015 - AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town Assessor Glenn Droese to attend the Manufactured Home Valuation Seminar to be held in Oneonta, New York on September 11, 2015 as well as the New York State Assessors Association Annual Meeting and Seminar to be held October 4, 2015 through October 7, 2015; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel authorizes payment of reasonable and necessary expenses incurred in connection therewith upon audit.

JULY 1, 2015
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Resolution

Offered by: Councilman Schneider
Seconded by: Councilman Lupinacci

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

AGREEMENT WITH VINTAGE TECH, LLC, ROMEOVILLE, ILLINOIS AND PUTNAM COUNTY, TOWN OF CARMEL AND THE FIVE REMAINING TOWNS IN PUTNAM COUNTY FOR ELECTRONIC WASTE RECOVERY PROGRAM AND RELATED ELECTRONIC WASTE SERVICES - AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town Supervisor Kenneth Schmitt to execute on behalf of the Town of Carmel, a Services Agreement between the County of Putnam, the Town of Carmel and the five remaining Towns located within the County of Putnam with Vintage Tech, LLC, Romeoville, Illinois, for the provision of an electronic waste recovery program and related electronic waste services, said agreement being in general substance form and content as is currently on file in the office of the Town Supervisor, for an initial term commencing January 1, 2015 and concluding December 31, 2016, and

BE IT FURTHER RESOLVED that a copy of said Services Agreement be filed with the Town Clerk after signature by the Town Supervisor.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Lupinacci

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

ENGINEERING DEPARTMENT – SIGNING AND FILING OF ANNUAL MS4 STORMWATER REPORT - AUTHORIZED

WHEREAS the Town Board has been presented with a draft annual MS4 Stormwater Report prepared by the Town of Carmel Engineering Department; and

WHEREAS public comment on the draft annual report was received by the Town Board and the Town Board has considered said comments;

NOW, THEREFORE, BE IT RESOLVED that the Town Supervisor, Kenneth Schmitt is hereby authorized to sign and file said report as drafted by Town Engineer Richard J. Franzetti, P.E.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilman Lombardi

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

PROPOSAL OF ED KUCK EXCAVATING, INC., MAHOPAC, NY FOR EXCAVATION AND TRENCHING WORK IN CONNECTION WITH UPGRADE TO GASOLINE DISPENSING SYSTEM AT TOWN HALL - AUTHORIZED

WHEREAS, the Town Board has previously approved the proposal of Conklin Services and Construction to upgrade the existing gasoline dispensing system at Town Hall; and

WHEREAS, Town Engineer Richard J. Franzetti, P.E. has previously advised the Town Board that excavation of a trench and installation of an electrical conduit system will be required in connection with the referenced upgrade as well; and

WHEREAS, The Town Engineer had previously obtained the authorization of the Town Board and solicited proposals for the excavation of trench as required as well as the installation of the referenced conduit; and

WHEREAS, the Town Board had previously accepted the proposal of Stuart Bates, Inc., Brewster NY for the excavation and trenching work referenced herein; and

WHEREAS, the Town Board has been advised that Stuart Bates, Inc. is unable to perform the excavation and trenching work as previously authorized;

NOW THEREFORE BE IT RESOLVED, that the Town of Carmel Town Board, hereby accepts the proposal of Ed Kuck Excavating, Inc, Mahopac, NY for the excavation and trenching work referenced herein at a cost not to exceed \$9,400.00 (NINE THOUSAND FOUR HUNDRED DOLLARS);

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

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>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Frank Lombardi	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

ENTRY INTO MASTER MUNICIPAL MULTI-MODAL #1 CAPITAL PROJECTS AGREEMENT FOR BRECKINRIDGE ROAD IMPROVEMENTS WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION - AUTHORIZED

RESOLVED that the Town of Carmel hereby authorizes entry into the Master Municipal Multi-Modal #1 Capital Projects Agreement (NY State Comptroller Contract No. D033070) for Breckinridge Road improvements in a reimbursable amount of \$100,000 with the New York State Department of Transportation, said agreement in form and content as currently on file in the office of the Town Supervisor; and

BE IT FURTHER RESOLVED that the Town Supervisor, Kenneth Schmitt is hereby authorized to sign and execute said agreement in the form referenced herein.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Schneider

JULY 1, 2015
TOWN BOARD MEETING

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

SETTLEMENT OF LITIGATION – LONG POINT ESTATE CORP – TM# 54.9-1-17 – AUTHORIZED AS PRE-FILED

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 2207/2012, 1884/2013 and 1534/2014 certain lawsuits entitled “Long Point Estate Corp. vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to reducing the assessment of certain real property known and designated as, Town of Carmel Tax Map No.54.9-1-17 on the 2012, 2013 and 2014 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glen Droese, Town Assessor, and special counsel Richard Blancato, who have recommended approval of the proposed settlement in accordance with the correspondence from Special Counsel dated April 30, 2015 attached hereto and made part hereof;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard Blancato 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: Councilman Lupinacci
Seconded by: Supervisor Schmitt

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

Blancato Law Offices, P.C.
65 South Broadway
Suite 101
Tarrytown, New York 10591

Tel. (914) 332-5723
Fax: (914) 332-5725

E-Mail: rblancato@aol.com

April 30, 2015

Glenn Droese, Assessor
Town of Carmel
60 McAlpin Avenue
Mahopac, New York 10541

Re: Long Point Estates v. Town of Carmel
Tax I.D. - 54.9-1-17

Dear Glenn:

The years at issue for this property are 2012, 2013 and 2014. The assessed value was \$549,000.00 for all years. A settlement was reached for all years at a value of \$790,000.00. The settlement results in reduced assessments as follows:

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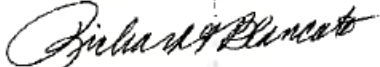
Year	Reduced From	Reduced To	Reduction
2012	\$549,000.00	\$474,000.00	\$75,000.00
2013	549,000.00	494,540.00	54,460.00
2014	549,000.00	494,540.00	54,460.00

The Settlement Assessments reflect the following values:

		Equalization Rate	Full Market Value
2012	\$474,000.00	60.00	\$790,000.00
2013	494,540.00	62.60	780,000.00 790,000
2014	494,540.00	62.60	780,000.00 790,000

I recommend that this settlement be approved. The settlement is without interest provided payment of the refund is made within sixty (60) days after service of the order with notice of entry.

Very truly yours,



Richard T. Blancato

SETTLEMENT OF LITIGATION – SAYED AND AIDA EL SHAKREY – TM#s 55.6-1-18 AND 44.14-1-53 – AUTHORIZED AS PRE-FILED

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 2127/2009, 2306/2010, 2248/2011, 2113/2012, 1865/2013 and 1554/2014 certain lawsuits entitled “Sayed and Aida El Shakrey vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to reducing the assessment of certain real property known and designated as, Town of Carmel Tax Map Nos.55.6-1-18 and 44.14-1-53 on the 2009 through 2014 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glen Droese, Town Assessor, and special counsel Richard Blancato, who have recommended approval of the proposed settlement in accordance with the correspondence from Special Counsel dated April 30, 2015 attached hereto and made part hereof;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard Blancato 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: Councilman Schneider
Seconded by: Councilman Lombardi

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

JULY 1, 2015
TOWN BOARD MEETING

Blancato Law Offices, P.C.
65 South Broadway
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Tarrytown, New York 10591

Tel: (914)332-5723
Fax: (914)332-5725

E-Mail: rblancato@aol.com

April 30, 2015

Glenn Droese, Assessor
Town of Carmel
60 McAlpin Avenue
Mahopac, New York 10541

Re: Sayed & Aida El Shakrey v. Town of Carmel
Tax I.D. - 55.6-1-18 and 44.14-1-53

Dear Glenn:

The above properties are located at 3 Seminary Hill and 47-51 Fair Street. The years at issue for this property are 2009 through 2014 for 3 Seminary Hill and 2010 through 2014 for 47-51 Fair Street. There was a difference of opinion as to the number of apartments involved and after this was resolved, our computations as to value and petitioners' computations were very close. We were finally able to reach the following settlement:

3 Seminary Hill Road - Tax I.D.: 55.6-1-18:

Year	Reduced From	Reduced To	Reduction
2009	\$375,000.00	\$204,500.00	\$170,500.00
2010	375,000.00	221,300.00	153,700.00
2011	375,000.00	222,234.00	152,766.00
2012	375,000.00	222,234.00	152,766.00
2013	222,234.00	222,234.00	-0-
2014	222,234.00	222,234.00	-0-

47-51 Fair Street - Tax I.D.: 44.14-1-53:

Year	Reduced From	Reduced To	Reduction
2010	\$494,000.00	\$400,200.00	\$ 93,800.00
2011	494,400.00	396,100.00	97,900.00
2012	494,400.00	378,000.00	116,000.00
2013	494,400.00	388,100.00	105,880.00
2014	494,400.00	388,100.00	105,880.00

Glenn Droese, Assessor - Carmel
Re: El Shakrey

April 30, 2015
Page Two

The Settlement Assessments reflect the following values:

55.6-1-18:

		Equalization Rate	Full Market Value
2009	\$204,500.00	53.60	\$381,529.85
2010	221,300.00	58.00	442,698.00
2011	222,234.00	58.25	381,517.60
2012	222,234.00	60.00	370,390.00
2013	222,234.00	62.60	355,006.39
2014	222,234.00	62.60	355,006.39

44.14-1-53

		Equalization Rate	Full Market Value
2010	\$400,200.00	58.00	\$800,400.00
2011	396,100.00	58.25	680,000.00
2012	378,000.00	60.00	630,000.00
2013	388,100.00	62.60	619,968.00
2014	388,100.00	62.60	619,968.00

I recommend that this settlement be approved. The settlement is without interest provided payment of the refund is made within sixty (60) days after service of the order with notice of entry.

Very truly yours,

Richard T. Blancato

Richard T. Blancato

JULY 1, 2015
TOWN BOARD MEETING

**SETTLEMENT OF LITIGATION – HDS, LLC – TM# 55.6-1-13 – AUTHORIZED AS
PREFILED**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 2200/2012, 1883/2013 and 1533/2014 certain lawsuits entitled “HDS, LLC vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to reducing the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 55.6-1-13 on the 2012, 2013 and 2014 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glen Droese, Town Assessor, and special counsel Richard Blancato, who have recommended approval of the proposed settlement in accordance with the correspondence from Special Counsel dated April 30, 2015 attached hereto and made part hereof;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard Blancato 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: Councilman Lombardi
Seconded by: Councilman Schneider

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

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April 30, 2015

Glenn Droese, Assessor
Town of Carmel
60 McAlpin Avenue
Mahopac, New York 10541

Re: HDS LLC v. Town of Carmel
Tax I.D. - 55.6-1-13

Dear Glenn:

The years at issue for this property are 2012, 2013 and 2014. The assessed value for all years was \$618,700.00. At an inspection of the building by you, the age of the building, the limited parking, vacancies and the first floor storeroom square footage were discussed. A settlement for all years was reach at a reduced fair market value of \$800,000.00. The resulting reductions are as follows:

<u>Year</u>	<u>Reduced From</u>	<u>Reduced To</u>	<u>Reduction</u>
2012	\$618,700.00	\$480,000.00	\$138,700.00
2013	618,700.00	500,800.00	117,900.00
2014	618,700.00	500,800.00	117,900.00

JULY 1, 2015
TOWN BOARD MEETING

The Settlement Assessments reflect the following values:

		<u>Equalization Rate</u>	<u>Full Market Value</u>
2012	\$480,000.00	60.00	\$800,000.00
2013	500,800.00	62.60	800,000.00
2014	500,800.00	62.60	800,000.00

I recommend that this settlement be approved. The settlement is without interest provided payment of the refund is made within sixty (60) days after service of the order with notice of entry.

Very truly yours,



Richard T. Blancato

SETTLEMENT OF LITIGATION – MNQ REALTY, LLC – TM# 55.6-1-40 – AUTHORIZED AS PRE-FILED

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 2308/2010, 2250/2011, 2115/2012, 1867/2013 and 1555/2014 certain lawsuits entitled “MNQ Realty, LLC vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to reducing the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 55.6-1-40 on the 2010, 2011, 2012, 2013 and 2014 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glen Droese, Town Assessor, and special counsel Richard Blancato, who have recommended approval of the proposed settlement in accordance with the correspondence from Special Counsel dated April 30, 2015 attached hereto and made part hereof;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard Blancato 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: Councilman Lupinacci
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>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Frank Lombardi	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

JULY 1, 2015
TOWN BOARD MEETING

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April 30, 2015

Glenn Droese, Assessor
Town of Carmel
60 McAlpin Avenue
Mahopac, New York 10541

Re: MNQ Realty, LLC v. Town of Carmel
Tax I.D. - 55.6-1-40

Dear Glenn:

The above property is located at 1822 Route 8. The years at issue for this property are 2010 through 2014. After review of our appraisal prepared by Lano Appraisals and the petitioner's appraisal prepared by Paul Ritzcoven, we negotiated the following settlement:

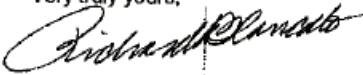
Year	Reduced From	Reduced To	Reduction
2010	\$206,000.00	\$159,500.00	\$46,500.00
2011	206,000.00	163,100.00	42,900.00
2012	206,000.00	168,000.00	38,000.00
2013	206,000.00	143,980.00	62,020.00
2014	206,000.00	143,980.00	62,020.00

The Settlement Assessments reflect the following values:

		Equalization Rate	Full Market Value
2010	\$159,500.00	58.00 <i>80</i>	\$ 275,000 <i>80</i>
2011	163,100.00	58.25	280,000.00
2012	168,000.00	60.00	280,000.00
2013	143,980.00	62.60	230,000.00
2014	143,980.00	62.60	230,000.00

I recommend that this settlement be approved. The settlement is without interest provided payment of the refund is made within sixty (60) days after service of the order with notice of entry.

Very truly yours,



Richard T. Blancato

SETTLEMENT OF LITIGATION – VINCENT RIPPA – TM# 55.10-1-12 – AUTHORIZED AS PRE-FILED

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 1735/2012, 1515/2013 and 1358/2014 certain lawsuits entitled “Vincent Rippa, Receiver vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to reducing the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 55.10-1-12 on the 2012, 2013 and 2014 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glen Droese, Town Assessor, and special counsel Richard Blancato, who have recommended approval of the proposed settlement in accordance with the correspondence from Special Counsel dated April 30, 2015 attached hereto and made part hereof;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

JULY 1, 2015
TOWN BOARD MEETING

BE IT FURTHER RESOLVED that Special Counsel Richard Blancato 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: Councilman Schneider
Seconded by: Councilman Lupinacci

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

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April 30, 2015

Glenn Droese, Assessor
Town of Carmel
60 McAlpin Avenue
Mahopac, New York 10541

Re: Vincent Rippa, Receiver v. Town of Carmel
Tax I.D. - 55.10-1-12

Dear Glenn:

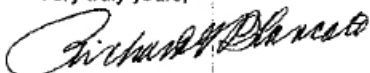
The above property is located at 1879-1905 Route 6. The years at issue for this property are 2012, 2013 and 2014. After reviewing income and expenses, we negotiated the following settlement:

Year	Reduced From	Reduced To	Reduction
2012	\$2,799,560.00	\$2,640,000.00	\$159,560.00
2013	2,799,560.00	2,754,400.00	45,160.00
2014	2,799,560.00	2,754,400.00	45,160.00

The Settlement Assessments reflect the following values:

		Equalization Rate	Full Market Value
2012	\$2,640,000.00	60.00	\$4,400,000.00
2013	2,754,400.00	62.60	4,400,000.00
2014	2,754,400.00	62.60	4,400,000.00

I recommend that this settlement be approved. The settlement is without interest provided payment of the refund is made within sixty (60) days after service of the order with notice of entry.

Very truly yours,

Richard T. Blancato

SETTLEMENT OF LITIGATION – SILARX PHARMACEUTICALS, INC. – TM# 55.15-1-9 – AUTHORIZED AS PRE-FILED

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 2213/2012 and 1885/2013 certain lawsuits entitled “Silarx Pharmaceuticals, Inc. vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to reducing the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 55.15-1-9 on the 2012 and 2013 tax rolls; and

JULY 1, 2015
TOWN BOARD MEETING

WHEREAS a proposed settlement of the litigation has been negotiated by Glen Droese, Town Assessor, and special counsel Richard Blancato, who have recommended approval of the proposed settlement in accordance with the correspondence from Special Counsel dated March 30, 2015 attached hereto and made part hereof;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard Blancato 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: Councilman Lombardi
Seconded by: Councilman Lupinacci

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

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March 30, 2015

Glenn Droese, Assessor
Town of Carmel
60 McAlpin Avenue
Mahopac, New York 10541

Re: Silarx Pharmaceuticals, Inc. v. Town of Carmel
Tax I.D. - 55.15-1-9

Dear Glenn:


The above case involves Assessment Years 2012, 2013 and 2014 (Tax Years 2012/13, 2013/14 and 2014/15). The property is a large office/lab complex which sold on June 5, 2012 for \$5,000,000.00, plus \$600,000.00 of personal property. We reviewed the deed, settlement statement, contract of sale and appraisal, and found this to be an arms-length transaction. The prior years were settled in connection with the Watson pharmaceutical case. After extensive negotiations with petitioner's attorney, we reached the following settlement:

<u>Year</u>	<u>Reduced From</u>	<u>Reduced To</u>	<u>Reduction</u>
2012	\$4,790,200.00	\$3,540,000.00	\$1,250,200.00
2013	4,790,200.00	3,693,400.00	1,096,800.00
2014	4,790,200.00	3,693,400.00	1,096,800.00

The settlement reflects the following values:

		<u>Equalization Rate</u>	<u>Full Market Value</u>
2012	\$3,540,000.00	60.00	\$5,900,000.00
2013	3,693,400.00	62.60	5,900,000.00
2014	3,693,400.00	62.60	5,900,000.00

I recommend that this settlement be approved. The settlement is without interest provided payment of the refund is made within sixty (60) days after service of the order with notice of entry.

Very truly yours,

Richard T. Blancato

JULY 1, 2015
TOWN BOARD MEETING

SETTLEMENT OF LITIGATION – WATSON PHARMACEUTICALS, INC. – TM# 55.15-1-9 – AUTHORIZED AS PREFILED

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 2356/2010 and 1840/2011 certain lawsuits entitled “Watson Pharmaceuticals, Inc. vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to reducing the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 55.15-1-9 on the 2010 and 2011 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glen Droese, Town Assessor, and special counsel Richard Blancato, who have recommended approval of the proposed settlement in accordance with the correspondence from Special Counsel, Richard Blancato, dated March 26, 2015 attached hereto and made part hereof;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard Blancato 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: Councilman Lupinacci
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>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Frank Lombardi	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

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65 South Broadway
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March 26, 2015

Glenn Droese, Assessor
Town of Carmel
60 McAipin Avenue
Mahopac, New York 10541

Re: Watson Pharmaceutical v. Town of Carmel
Tax I.D. - 55.15-1-9

Dear Glenn:

The years at issue for this petitioner are Assessment Years 2010 and 2011 (Tax Years 2010/11 and 2011/12). The property is a large office/lab complex which sold on June 5, 2012 for \$5,000,000.00, plus \$600,000.00 of personal property. We reviewed the deed, settlement statement, contract of sale and appraisal, and found this to be an arms-length transaction. After reviewing all of the paperwork we determined that it was a waste of time to spend \$25,000.00 on an appraisal, when the court will just adopt the sale price as the best evidence of value. We entered into extensive negotiations with petitioner's attorney, and reached the following settlement:

<u>Year</u>	<u>Reduced From</u>	<u>Reduced To</u>	<u>Reduction</u>
2010	\$4,790,200.00	\$4,080,000.00	\$ 730,200.00
2011	4,790,200.00	3,698,875.00	1,091,325.00

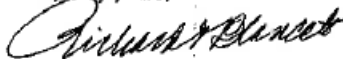
JULY 1, 2015
TOWN BOARD MEETING

The Settlement Assessments reflect the following values:

		Equalization Rate	Full Market Value
2010	\$4,060,000.00	.50 58.04	\$8,120,000.00 7,000,000.00
2011	3,698,875.00	.5825	6,350,000.00

I recommend that this settlement be approved. The settlement is without interest provided payment of the refund is made within sixty (60) days after service of the order with notice of entry.

Very truly yours,



Richard T. Blancato

SETTLEMENT OF LITIGATION – HYNES REALTY, INC. – TM# 65.13-1-66 – AUTHORIZED AS PRE-FILED

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 1863/2011, 1762/2012, 1752/2013 and 1546/2014 certain lawsuits entitled “Hynes Realty, Inc. vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to reducing the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 65.13-1-66 on the 2011, 2012, 2013 and 2014 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glen Droese, Town Assessor, and special counsel Richard Blancato, who have recommended approval of the proposed settlement in accordance with the correspondence from Special Counsel dated April 30, 2015 attached hereto and made part hereof;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard Blancato 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: 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>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Frank Lombardi	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

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April 30, 2015

Glenn Droese, Assessor
Town of Carmel
60 McAlpin Avenue
Mahopac, New York 10541

Re: Hynes Realty, Inc. v. Town of Carmel
Tax I.D. - 65.13-1-66

JULY 1, 2015
TOWN BOARD MEETING

Dear Glenn:

The years at issue for this property are 2011, 2012, 2013 and 2014. After reviewing the information provided, we negotiated the following settlement:

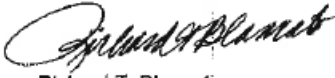
<u>Year</u>	<u>Reduced From</u>	<u>Reduced To</u>	<u>Reduction</u>
2011	\$583,600.00	\$518,425.00	\$65,175.00
2012	583,600.00	522,000.00	61,600.00
2013	583,600.00	532,100.00	51,500.00
2014	583,600.00	532,100.00	51,500.00

The Settlement Assessments reflect the following values:

		<u>Equalization Rate</u>	<u>Full Market Value</u>
2011	\$518,425.00	58.25	\$890,000.00
2012	522,000.00	60.00	870,000.00
2013	532,100.00	62.60	850,000.00
2014	532,100.00	62.60	850,000.00

I recommend that this settlement be approved. The settlement is without interest provided payment of the refund is made within sixty (60) days after service of the order with notice of entry.

Vary truly yours,



Richard T. Blancato

SETTLEMENT OF LITIGATION – VISTA ON THE LAKE – TM#s 66.-2-1-101 THROUGH 916 – AUTHORIZED AS PRE-FILED

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 2311/2010, 2249/2011, 2112/2012, 1866/2013 and 1556/2014 certain lawsuits entitled “Vista on the Lake vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to reducing the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 66.-2-1-101 through 916 as appearing on the 2010, 2011, 2012, 2013 and 2014 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glen Droese, Town Assessor, and special counsel Richard Blancato, who have recommended approval of the proposed settlement in accordance with the correspondence from Special Counsel dated April 30, 2015 attached hereto and made part hereof;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard Blancato 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: Councilman Lombardi
Seconded by: Councilman Lupinacci

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

JULY 1, 2015
TOWN BOARD MEETING

Blancato Law Offices, P.C.
65 South Broadway
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April 30, 2015

Glenn Droese, Assessor
Town of Carmel
60 McAlpin Avenue
Mahopac, New York 10541

Re: Vista on the Lake v. Town of Carmel
Tax I.D. - 66-2-1-101 through 916

Dear Glenn:

The years at issue for this property are 2010, 2011, 2012, 2013 and 2014. The property is a large residential complex. This case was scheduled for trial. Prior to trial, we entered into extensive negotiations with petitioner's attorney, and finally reached the following settlement:

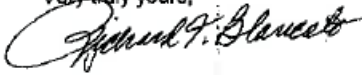
Year	Reduced From	Reduced To	Reduction
2010	\$9,188,500.00	\$7,001,158.00	\$2,187,342.00 ✓
2011	9,188,500.00	6,708,066.00	2,480,434.00 ✓
2012	9,188,500.00	6,697,802.00	2,490,698.00 ✓
2013	9,188,500.00	7,019,337.00	2,169,163.00 ✓
2014	9,188,500.00	7,019,337.00	2,169,163.00 ✓

The Settlement Assessments reflect the following values:

		Equalization Rate	Full Market Value
2010	\$7,001,158.00	58.25 58.00	\$11,515,863.41 12,070,962.07
2011	6,708,066.00	60.00 58.25	11,163,003.34 11,515,993.13
2012	6,697,802.00	62.60 60.00	11,212,998.41 11,163,003.33
2013	7,019,337.00	62.60	11,212,998.41
2014	7,019,337.00	62.60	11,212,998.41

I recommend that this settlement be approved. The settlement is without interest provided payment of the refund is made within sixty (60) days after service of the order with notice of entry.

Very truly yours,



Richard T. Blancato

SETTLEMENT OF LITIGATION – SOUTH LAKE BLVD. REALTY, INC. – TM#s 75.44-1-36, 37, 65, 66 AND 67 – AUTHORIZED AS PRE-FILED

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 1698/2011, 2230/2012, 1755/2013 and 1646/2014 certain lawsuits entitled "South Lake Boulevard Realty, Inc., vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel" in regard to reducing the assessment of certain real property known and designated as, Town of Carmel Tax Map Nos. 75.44-1-36, 37, 65, 66 and 67 on the 2011, 2012, 2013 and 2014 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glen Droese, Town Assessor, and special counsel Richard Blancato, who have recommended approval of the proposed settlement in accordance with the correspondence from Special Counsel dated April 30, 2015 attached hereto and made part hereof;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard Blancato 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.

JULY 1, 2015
TOWN BOARD MEETING

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilman Schneider

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

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April 30, 2015

Glenn Droese, Assessor
Town of Carmel
60 McAlpin Avenue
Mahopac, New York 10541

Re: South Lake Boulevard Realty, Inc. v.
Town of Carmel
Tax I.D. - 75.44-1-36, 37, 65, 66 & 67

Dear Glenn:

The years at issue for this property are 2011, 2012, 2013 and 2014. There were no reductions warranted on 75.44-1-36, 37 and 65 and the petitioner agreed to no reductions on these parcels. With respect to 75.44-1-66 (retail/office) and 75.44-1-67 (parking lot), after lengthy negotiations, we agreed on the following reductions:

75.44-1-66:

<u>Year</u>	<u>Reduced From</u>	<u>Reduced To</u>	<u>Reduction</u>
2011	\$594,000.00	\$440,000.00	\$154,000.00
2012	594,000.00	460,000.00	134,000.00
2013	594,000.00	485,000.00	109,000.00
2014	594,000.00	485,000.00	109,000.00

75.44-1-67:

<u>Year</u>	<u>Reduced From</u>	<u>Reduced To</u>	<u>Reduction</u>
2011	\$125,000.00	\$60,000.00	\$65,000.00
2012	125,000.00	65,000.00	60,000.00
2013	125,000.00	65,000.00	60,000.00
2014	125,000.00	65,000.00	60,000.00

Glenn Droese, Assessor - Carmel
Re: South Lake Blvd. Realty

April 30, 2015
Page Two

75.44-1-66:

		<u>Equalization Rate</u>	<u>Full Market Value</u>
2011	\$440,000.00	58.25	\$755,385.00
2012	460,000.00	60.00	766,666.00
2013	485,000.00	62.60	774,760.00
2014	485,000.00	62.60	774,760.00

75.44-1-67:

		<u>Equalization Rate</u>	<u>Full Market Value</u>
2011	\$60,000.00	58.25	\$103,004.00
2012	65,000.00	60.00	108,323.00
2013	65,000.00	62.60	103,833.00
2014	65,000.00	62.60	103,833.00

108,333 20

JULY 1, 2015
TOWN BOARD MEETING

I recommend that this settlement be approved. The settlement is without interest provided payment of the refund is made within sixty (60) days after service of the order with notice of entry.

Very truly yours,



Richard T. Blancato

PUBLIC COMMENTS - AGENDA ITEMS

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

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

Supervisor Schmitt explained the certiorari settlements that were voted on noting that there are ten property owners of commercial property or condominiums who will receive settlements. He further explained who has to file a certiorari and who should file a Small Claims Assessment Review (SCAR) to challenge their assessment.

Supervisor Schmitt stated that there are funds available to cover these settlements and that it does not come out of the general fund but from a special fund that the Town Board has put money into.

Councilman Lupinacci acknowledged that there is over \$700,000.00 in reserve and that the refunds authorized tonight should total about \$100,000.00. He also commented that the PBA attorney has said that these funds could be used for salary increases but that he does not agree with doing that.

Supervisor Schmitt noted that the school districts will have to refund a much higher number and the county will also be making payments regarding these settlements.

OPEN FORUM - PUBLIC COMMENTS

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

OPEN FORUM – TOWN BOARD COMMENTS

Councilman Lupinacci wished everyone a safe and happy Fourth of July.

Supervisor Schmitt announced that the Town Hall would be closed on Friday, July 3, 2015 due to the holiday. He also wished everyone a safe and happy Fourth of July and urged everyone to be careful.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Schneider, with all members present in agreement, the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Phyllis Bourges, Deputy Town Clerk