

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 Deputy Supervisor Frank Lombardi on the 22nd day of July 2015 at 7:06 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 Councilman Lombardi. Supervisor Schmitt 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 as well as in honor of the service members killed in the July 16, 2015 shootings in Chattanooga, Tennessee.

MINUTES OF TOWN BOARD MEETING HELD ON 6/17/15 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Schneider, seconded by Councilman Lupinacci, with all members of the Town Board present voting “aye”, the minutes of the Town Board meeting held on June 17th 2015 were accepted as submitted by the Town Clerk.

PUBLIC HEARING SCHEDULED FOR 8/19/15 - PROPOSED LOCAL LAW AMENDING CHAPTER 114 OF THE CODE OF THE TOWN OF CARMEL ENTITLED PROPERTY MAINTENANCE (AMENDED 8/5/15)

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, August 19, 2015 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law amending Chapter 114 of the Code of the Town of Carmel entitled Property Maintenance; and

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized and instructed to publish and post the necessary notices in the official newspapers of the Town and on the Town bulletin board regarding this Public Hearing.

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

PUBLIC HEARING SCHEDULED FOR 8/19/15 - PROPOSED LOCAL LAW ENACTING CHAPTER 15 OF THE CODE OF THE TOWN OF CARMEL ENTITLED EMPLOYMENT APPLICANT FINGERPRINT INQUIRIES (AMENDED 8/5/15)

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, August 19, 2015 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law enacting Chapter 15 of the Code of the Town of Carmel entitled Employment Applicant Fingerprint Inquiries; and

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized and instructed to publish and post the necessary notices in the official newspapers of the Town and on the Town bulletin board regarding this Public Hearing.

Resolution
Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

(Cont.)

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

Prior to the roll call vote, Councilwoman McDonough inquired about who would be responsible for paying for the required fingerprinting.

Deputy Supervisor Lombardi pointed out that the cost is currently being paid by the applicant to the County of Westchester for the service. Discussion ensued regarding the matter.

At the conclusion of the discussion, Deputy Supervisor Lombardi indicated that further dialogue will be held with the Chief of Police with regard to the provision in the proposed Local Law.

CONTRACT AMENDMENT TO NYSDOT MULTI-MODAL #4 GRANT - AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the Town Supervisor to sign Supplemental Master Agreement Schedule No. 2 to NYSDOT Multi Modal #4 Master Agreement (Comptroller’s Contract D026061), extending contract term between NYSDOT and the Town of Carmel for a period of one year through and including July 31, 2016, said agreement in form as attached hereto and made a part hereof.

Resolution
Offered by: Councilwoman McDonough
Seconded by: Councilman Schneider

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

Universal Supplemental Agreement Cover for all Local Agreements

SPONSOR: Town of Carmel
PROJECT ID NO. BMS347.30A BIN#: N/A
PHASE: N/A

**SUPPLEMENTAL AGREEMENT Schedule No. 2 to
MASTER AGREEMENT (Comptroller's Contract No. D026061)**

This Agreement, effective this _____ day of _____, 20____, is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at
50 Wolf Road, Albany, NY 12232,

and the Town of Carmel acting by and through the Supervisor

This agreement supplements or amends the existing Master Agreement between the parties that consists of the agreements titled *(check applicable categories)*:

☐ Multi-Modal Prior SUPPLEMENTAL AGREEMENT Nos. _____ dated _____;
☒ Multi-Modal Project Agreement (Indicate MM Program # 4) dated July 14, 2009.

☐ OTHER - _____

in the following respects only *(check applicable categories)*:

☒ Amends a previously adopted Schedule or Supplements Master Agreement by Adding Schedules A and B, in accordance with the provisions of such Master Agreement for such Supplemental Schedules (check applicable categories):

(Cont.)

If Amending a Prior Project:	If adding a Project:
<input type="checkbox"/> Amends Schedule A project description;	<input type="checkbox"/> Adds a project description under the same D#
<input type="checkbox"/> Amends Schedule A scheduled funding;	<input type="checkbox"/> Adds project funding under the same D#
<input checked="" type="checkbox"/> Amends Schedule A phase completion date;	<input type="checkbox"/> Sets project completion date for the same D#
<input type="checkbox"/> Amends a previously adopted Schedule B	<input type="checkbox"/> Adds Schedule B under the same D#
<input checked="" type="checkbox"/> Appendix 2-S Iran Divestment Act	<input type="checkbox"/> Appendix 2-S Iran Divestment Act

☐ (Amending the text of the Master Agreement as described below:
Complete Amendment to Master Agreement Text here (as applicable)

- 1 -

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by its duly authorized officials as of the date first above written.

MUNICIPALITY: <u>Town of Carmel</u>	NYS DOT:
DATE: _____	DATE: _____
Title: _____	BY: _____
BY: _____ (have signature notarized below)	For Commissioner of Transportation
	Agency Certification: In addition to the acceptance of this contract I also certify the original copies of this signature page will be attached to all other exact copies of this contract.
	APPROVED AS TO FORM BY NYS ATTORNEY GENERAL:
	By: _____ Assistant Attorney General
	NYS COMPTROLLER APPROVAL:
	DATE: _____
	BY: _____
	For the New York State Comptroller Pursuant to State Finance Law §112.

STATE OF NEW YORK)
)ss.:
COUNTY OF PUTNAM)

On this _____ day of _____ in the year 20____, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, acknowledged to me that he is the _____ of the _____, executed such instrument in his capacity pursuant to authority duly vested in him by the _____ and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed this instrument.

Notary Public

Supplemental Agreement for D026061
SPONSOR: TOWN OF CARMEL
PROJECT ID NO. 8MS347.30A BIN# N/A

SUPPLEMENTAL MUNICIPAL MULTI-MODAL PROGRAM - SCHEDULE A

This Schedule may not be used where other Multi-Modal, State or Federal funding sources co-exist)

- 1. Name of Municipal Project Owner: Town of Carmel
- 2. Project Title: Install Traffic Safety features on US Route 6 in Mahopac Business area, including lighting, crosswalks and sidewalks from the intersection of 6N and US 6 to US Route 6N
- 3. MM Project ID#: 8MS347.30A MM Program ID (MM#2, MM#3, or MM#4?): MM#4
- 4. Maximum MM Project Reimbursement (under this Agreement):\$100,000.00
- 5. MASTER Municipal MM OSC Contract #: D026061

(Cont.)

6. Municipal Contact:

Name/Title: Mr. Robert Vara, Project Coordinator
Organization: Town of Carmel
Address: 60 McAlpin Avenue
City/State/Zip: Mahopac, New York 10541

7. Project Location:

Route/Name:

From: Intersection Rt 6 & 6N To: Intersection 6N & Clark Place

8. Project Description/Scope:

Install Traffic Safety Features Along US Rt 6N, Lighting, Crosswalks and Sidewalks.

9. Project Schedule Beginning Date: December 1, 2008

Project Ending Date: July 31, 2016

10. Project Cost Summary:

SUMMARY COST TOTAL:	State Multi-Modal Funding under this Schedule A	Local Funding (Insert Zero if None)
\$100,000.00	\$100,000.00	\$0

11. Eligible Project Type: (Please check one)

- ☐ Highway Resurfacing ☐ Bridge Rehabilitation Construction ☐ New Highway Construction ☐ New Bridge
- ☐ Highway Reconstruction ☐ Bridge Replacement Improvement ☐ Interchange Const./Reconstruction ☐ Intersection
- ☐ Aviation (Is this project consistent with an approved Airport Layout Plan)? ☐ Yes ☐ No

☒ Other (Please explain): Installation of Traffic Safety Features

12. Signature of responsible Local Official: _____ Date: _____

13. Please print your Name & Title here:

Please list your area code & phone number here:

APPENDIX 2-S
IRAN DIVESTMENT ACT

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date, at which time it will be posted on the OGS website.

By entering into a renewal or extension of this Contract, Contractor (or any assignee) certifies that once the prohibited entities list is posted on the OGS website, it will not utilize on such Contract any subcontractor that is identified on the prohibited entities list.

Additionally, Contractor understands that during the term of the Contract, should NYSDOT receive information that a person is in violation of the above-referenced certification NYSDOT will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then NYSDOT shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

NYSDOT reserves the right to reject any renewal, extension or request for assignment for an entity that appears on the prohibited entities list hereafter and to pursue a responsibility review with respect to any entity that is granted a contract extension/renewal or assignment and appears on the prohibited entities list thereafter.

Deputy Supervisor Lombardi explained that the aforementioned agreement is an extension of a previously authorized contract.

JULY 22, 2015
TOWN BOARD MEETING

CARMEL WATER DISTRICT #2 - PROPOSAL ACCEPTED AND REPAIRS AUTHORIZED TO TREATMENT PLANT BUILDING - TAM ENTERPRISES, INC. - NOT TO EXCEED \$19,800.00

WHEREAS, Town Engineer Richard J. Franzetti, P.E. and Carmel Water District #2 Operator Severn Trent Environmental Services (STES) have advised the Town Board of the Town of Carmel that certain structural repairs are required at the Town of Carmel Water District #2 Treatment Plant; and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #2, hereby authorizes the acceptance of the proposal of TAM Enterprises, Inc., Goshen, NY to perform said repairs and improvements in accordance with the written proposal dated June 19, 2015, at a cost not to exceed \$19,800; and

BE IT FURTHER RESOLVED, that upon presentation of insurance certificates in form acceptable to Town Counsel, the aforementioned work shall hereby be authorized.

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

Deputy Supervisor Lombardi explained that the cost of the structural repairs will be borne by the property owners in Carmel Water District #2.

SYCAMORE PARK ROOF - ASBESTOS ABATEMENT PROPOSAL ACCEPTED - SUBURBAN RESTORATION SERVICES, INC. - NOT TO EXCEED \$5,687.00 - AND MONITORING SERVICES ACCEPTED - APPLIED TECHNOLOGY SERVICES, INC. - NOT TO EXCEED \$500.00

RESOLVED that the Town Board of the Town of Carmel, hereby authorizes the acceptance of the proposal of Suburban Restoration Services, Inc., Hawthorne, NJ for the performance of asbestos abatement services to be performed in connection with the prospective replacement and repair of the roof of the main building at Sycamore Park, at a cost not to exceed \$5,687.00; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the acceptance of the proposal of Applied Technology Services, Inc. for requirement monitoring services and provision of a closure report at a cost not to exceed \$500.00; and

BE IT FURTHER RESOLVED, that upon presentation of insurance certificates in form acceptable to Town Counsel, the aforementioned work shall hereby be authorized.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

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

JULY 22, 2015
TOWN BOARD MEETING

CARMEL SEWER DISTRICT #7 - PROPOSAL ACCEPTED FOR ENGINEERING DESIGN SERVICES - ROOF AND ROOF STRUCTURE AT TREATMENT PLANT BUILDING - J. ROBERT FOLCHETTI ASSOCIATES, LLC - NOT TO EXCEED \$60,000.00

WHEREAS, Town Engineer Richard J. Franzetti, P.E. and Carmel Sewer District #7 Operator Severn Trent Environmental Services (STES) have advised the Town Board of the Town of Carmel that replacement of the roof and roof structure at the Carmel Sewer District #7 Wastewater Treatment Plant Building are required at the Town of Carmel Sewer District #7 Treatment Plant; and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #7, hereby authorizes the acceptance of the proposal of J. Robert Folchetti Associates, LLC for engineering design services required in connection with the replacement of the roof and roof structure at the CSD#7 in accordance with the proposal dated March 31, 2015, at a cost not to exceed \$60,000.00.

Resolution

Offered by: Councilwoman McDonough
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>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Kenneth Schmitt	<u> </u>	<u> </u> Absent

NOTICE REQUIREMENT WAIVED - SECTION 64 OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE - PRATO TRATTORIA, INC. D/B/A PRATO TRATTORIA

WHEREAS, the representatives and/or proprietors of Prato Trattoria, Inc. d/b/a “Prato Trattoria,” 1892 Route 6, Carmel, NY, have advised of the intention to apply for an on-premises liquor license for which thirty days advance notice of such application must be sent to the municipality, and

WHEREAS, the notice required by Article 5 of the ABC Law may be waived by the Town Board, and

WHEREAS, the Town of Carmel Town Board does not intend to comment upon the application referred to herein;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby waives the thirty day notice requirement contained in Article 5 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding said application, for a liquor license at the premises referred to herein; and

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized to sign a Waiver of Said Notice on behalf of the Town of Carmel.

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

Deputy Supervisor Lombardi noted that the waiver is being sought by the new proprietors of the former Pasquale Trattoria in the Putnam Plaza Shopping Center.

JULY 22, 2015
TOWN BOARD MEETING

**RESOLUTION ADOPTED PURSUANT TO NY GENERAL MUNICIPAL LAW §209-I
MAHOPAC VOLUNTEER FIRE DEPARTMENT MAHOPAC FALLS VOLUNTEER
FIRE DEPARTMENT**

RESOLVED, the Town Board of the Town of Carmel hereby makes available to the active members of the Mahopac Volunteer Fire Department and Mahopac Falls Volunteer Fire Department, the protections of New York General Municipal Law §209-i *et seq*, and to afford any active member injured, rendered ill, or dying as a result of rendering services outside of the respective jurisdictions and/or fire protection districts at the emergency scene of another fire department the protections of the provisions of said law, and insurance coverage provided thereunder shall continue until such time as the jurisdictional officer in command arrives at the scene; and

BE IT FURTHER RESOLVED that whenever an active volunteer firefighter for the Mahopac Volunteer Fire Department and Mahopac Falls Volunteer Fire Department provides services under Section 209-i of the General Municipal Law after responding to such emergency scene and there is no jurisdictional officer in command present, such active volunteer firefighter shall report to such officer upon arrival and offer assistance to such other fire company and/or volunteer fire department and shall stand down if such offer of assistance is not accepted, cease rendering assistance and safely exit said emergency scene.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

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

Deputy Supervisor Lombardi explained that the matter was brought forth by the members of the Mahopac Volunteer Fire Department and discussed at a recent Work Session.

Councilwoman McDonough indicated that because the Carmel Fire Department is not a completely volunteer fire department, research is being conducted as to whether or not this coverage can apply to them as well.

**CARMEL SEWER DISTRICT #2 - PURCHASE OF PRIMARY CLARIFIER DRIVE AT
WASTEWATER TREATMENT PLANT AUTHORIZED - GMH ASSOCIATES - NOT
TO EXCEED \$62,171.25**

WHEREAS, Town Engineer Richard J. Franzetti, P.E. and Carmel Sewer District #2 Wastewater Treatment Plant Operator Severn Trent Environmental Services (STES) have advised the Town Board of the Town of Carmel that the primary clarifier drive at the Carmel Sewer District #2 Wastewater Treatment Plant is in failure and in need of replacement; and

WHEREAS, the Town Engineer has further advised the Town Board that the need for replacement of the failing clarifier drive is emergency in nature for purposes of SPDES permit compliance and for Wastewater Treatment Plant function, which exempts the Town of Carmel from compliance with the competitive bidding requirements of the New York State General Municipal Law;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #2, hereby authorizes the acceptance of the proposal of GMH Associates, Trenton, NJ dated April 30, 2015 for the purchase of said clarifier drive equipment at a cost not to exceed \$62,171.25; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all budget transfers necessary to effectuate this authorization.

(Cont.)

Resolution
Offered by: Councilwoman McDonough
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>X</u>	<u> </u>	
Frank Lombardi	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u> </u>	<u> </u>	Absent

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 Councilman Schneider, seconded by Councilman Lupinacci, with all Town Board members present in agreement, the meeting was adjourned at 7:24 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk