

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 9th day of March 2016 at 7:10 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, Councilman Lombardi and Supervisor Schmitt.

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.

Supervisor Schmitt announced that the Town Board had met at 6:30 p.m. in Executive Session with Town Engineer Richard Franzetti with regard to a matter of personnel as well as with Town Comptroller Mary Ann Maxwell with regard to a matter of personnel.

SEAN ALLISON AND HOWARD BEYERSKY, TOWN OF CARMEL LITTER PATROL ACKNOWLEDGED

The Town Board acknowledged Sean Allison and Howard Beyersky for their exemplary work ethic in connection with cleaning and keeping the downtown Mahopac and Carmel business districts free from litter. Although Mr. Allison was unable to attend, Mr. Beyersky was in attendance to accept his certificate of achievement and Town of Carmel sweatshirt.

PUBLIC HEARING HELD - CARMEL SEWER DISTRICT #3 - INCREASE AND IMPROVEMENT IN THE FACILITIES - RECONSTRUCTION OF SEWER LINES FOR INFILTRATION AND INFLOW REMEDIATION - MAXIMUM ESTIMATED COST OF \$300,000

Supervisor Schmitt asked the Town Clerk to read the following Notice of Public Hearing as published in the Town’s official newspapers:

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY
GIVEN that the Town Board of the Town of Carmel, Putnam County, New York, will meet at the Town Hall, 60 McAlpin Avenue, in Mahopac, New York, on Wednesday, March 9, 2016, at 7:00 o’clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a certain map, plan and report, including an estimate of cost, in relation to the proposed increase and improvement of the facilities of Carmel Sewer District No. 3, in said Town, consisting of the reconstruction of sewer lines for infiltration and inflow remediation, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$300,000. Said capital project has been determined to be a Type II Action pursuant to

the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act (“SEQRA”), the implementation of which as proposed, said regulations provide will not result in any significant adverse environmental impacts.
At said public hearing said Town Board will hear all persons interested in the subject matter thereof.
The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.
Dated: Mahopac, New York,
February 25, 2016.
BY ORDER OF THE
TOWN BOARD OF THE
TOWN OF CARMEL,
PUTNAM COUNTY, NEW YORK
Ann Spofford
Town Clerk

With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:22 p.m. Nine (9) people were in attendance.

With no one present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Lombardi, seconded by Councilman Schneider, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:23 p.m.

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**OFFICE OF THE RECEIVER OF TAXES - APPOINTMENT OF ACCOUNT CLERK
MADE - ANTOINETTE PESAVENTO**

RESOLVED that the Town Board of the Town of Carmel hereby appoints Antoinette Pesavento to the position of Account Clerk in the Office of the Receiver of Taxes, effective March 7, 2016, at a CSEA Group 2, Step 1 salary level on a probationary basis and subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilmen Lombardi and 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>X</u>	<u> </u>

Supervisor Schmitt stated that Antoinette Pesavento has been employed on a part-time basis with the Town of Carmel for five years and her appointment to the Office of the Tax Receiver is well deserved.

**CARMEL FIRE DEPARTMENT - ADDITIONS AND DELETIONS TO THE ACTIVE
LIST AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the addition of the following names to the active list of the Carmel Fire Department:

Matthew DeFeo
Seamus Baker

BE IT FURTHER RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the deletion of the following names to the active list of the Carmel Fire Department:

Martin McDonough

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

Supervisor Schmitt extended best wishes to the new members of the Carmel Fire Department.

**NOTICE REQUIREMENT WAIVED IN SECTION 64 OF THE NEW YORK STATE
ABC LAW WITH RESPECT TO A LIQUOR LICENSE - FIAMMA WOOD TAVERN,
INC. DBA FIAMMA WOOD TAVERN**

WHEREAS, the representatives and/or proprietors of Fiamma Wood Tavern, Inc., dba Fiamma Wood Tavern, Mahopac, NY 10541, 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

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(Cont.)

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 Lupinacci
Seconded by: Councilman Lombardi

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

BUDGET MODIFICATIONS - 2015 FINAL - AUTHORIZED

WHEREAS the Town Comptroller has reviewed the proposed Final Budget Modifications for the period ending December 31, 2015 with the Town Board which are detailed and explained on the attached Budget Revisions Schedule;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the Final Budget Modifications/Revisions for the period ending December 31, 2015, as shown itemized on the schedule attached hereto, incorporated herein and made a part hereof.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lupinacci

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

TOWN OF CARMEL
BUDGET REVISIONS DECEMBER 2015 - #2015/08

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
HIGHWAY FUND				
1	500.5110.0019	GEN REPR PAID ABSENCES	40,000.00	
	500.5130.0019	PAID COMPENSATED ABSENCES	6,000.00	
	500.5140.0019	WEEDS & BRUSH OTHER COMP	3,500.00	
	500.5142.0019	SNOW REMOVAL OTHER COMP	4,500.00	
	500.5110.0041	GEN REPR GAS & FUEL		35,000.00
	500.5110.0083	WORKERS COMPENSATION INS		4,000.00
	500.5110.0086	RETIREES HEALTH INSURANCE		15,000.00
		- TRANSFER FOR ADDITIONAL ACCRUAL OF RETRO PAY FOR IBT STAFF		

(Cont.)

CARMADA PARK				
2	911.7140.5030	TRANSFER OF PARKLAND TRUST FUNDS	*	147,776.00
	911.7140.0045	CONTRACTED IMPROVEMENTS		147,776.00
		- PROVIDE FOR CAPITAL IMPROVEMENTS AT CARMADA PARK		
		FROM PARKLAND TRUST		

TOWN SUPERVISOR KENNETH SCHMITT - CERTAIN EQUIPMENT DECLARED OBSOLETE AND DISPOSAL AUTHORIZED - OFFERED AS PRE-FILED AND PARAPHRASED

RESOLVED that, upon the recommendation of Town Supervisor Kenneth Schmitt, the Town Board of the Town of Carmel hereby declares the equipment listed to be obsolete and authorizes its disposal in accordance with Town Law, including but not limited to Town Law §64(2-a):

- 1 Technics Tape Player Model # RSB29R Serial # CA6908A179
- 1 Kodak Digital Zoom Camera Model # DC290 Serial # EKT03101550
- 1 Olympus Digital Zoom Camera Model # FE110 Serial # X12058894
- 1 Olympus Digital Zoom Camera Model # D540 Serial # 353D63716
- 1 Motorola Car Phone Serial # SLN8189B
- 1 Panasonic VHS Video Camera Serial #L8C34KR
- 1 Fostex Personal Monitor Speaker Model # 6301B Serial # 0205302MI
- 1 Sanyo Dictating/Transcription Machine Model# TRC9100 Serial # 61413046
- 1 Garmin GPS III Plus Serial # 96460101

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>X</u>	<u> </u>

SYCAMORE PARK BACKSTOP INSTALLATION - CONTRACT MODIFICATION AUTHORIZED - CAMPANELLA FENCE - ADDITIONAL \$925.00

WHEREAS the Town Board of the Town of Carmel had previously authorized the acceptance of the proposal of Campanella Fence, Mahopac, NY for the installation of ballfield backstops at a cost not to exceed \$18,650.00; and
WHEREAS, the Town Board has been advised by Town of Carmel Director of Parks and Recreation James R. Gilchrist that the cost for installation of the backstops exceeds contract price by a total amount of \$925.00 and has recommended payment of said additional amount;
NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby approves the contract modification set forth herein and authorizes the payment of an additional \$925.00 to Campanella Fence in accordance with the invoice dated February 1, 2016.

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Resolution
Offered by: Councilman Lombardi
Seconded by: Supervisor Schmitt

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

Councilman Schneider explained that he abstained because he abstained with regard to the vote on the original contract.

SETTLEMENT OF LITIGATION AUTHORIZED - “EILEEN BRENNAN V. PAUL JONKE”

WHEREAS, there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 550/2011, a lawsuit entitled “EILEEN BRENNAN V. PAUL JONKE”; and

WHEREAS a proposed settlement of the litigation has been negotiated special counsel Michael Miranda of Miranda, Sambursky, Slone, Sklarin Verveniotis, LLP, who has recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as detailed in the stipulation of settlement attached hereto and made part hereof; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign, on behalf of the Town of Carmel, said stipulation of 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> X </u>
Frank Lombardi	<u> X </u>	<u> </u>
Kenneth Schmitt	<u> X </u>	<u> </u>

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF PUTNAM

-----X
EILEEN BRENNAN, Index No.: 550/11

Plaintiffs, **STIPULATION OF DISCONTINUANCE**
-against-

PAUL JONKE, individually and the TOWN OF
CARMEL, New York,

Defendants.
-----X

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all parties in the above entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above entitled action be, and the same hereby is discontinued against all

(Cont.)

defendants with prejudice, and without costs to either party as against the other.

IT IS FURTHER STIPULATED that for the purposes of execution hereof, facsimile signatures are deemed as originals and this stipulation may be signed in counterparts.

Dated: Mineola, New York
March 7, 2016

**THE BELLANTONI LAW FIRM, PLLP MIRANDA SAMBURSKY SLONE SKLARIN
VERVENIOTIS LLP**

By: Amy Bellantoni, Esq.
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By: Michael A. Miranda, Esq.
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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 Lombardi, seconded by Councilman Lupinacci, with all Town Board members present and in agreement, the meeting was adjourned at 7:32 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk