

3 FEBRUARY 2010

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 3<sup>rd</sup> day of February 2010 at 7:11 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Ravallo, Councilman Lombardi, Councilwoman McDonough, Councilman DiCarlo, and Supervisor Schmitt.

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 MEETINGS HELD ON 12/16/09, 1/6/10 and 1/20/10 - ACCEPT AS SUBMITTED BY THE TOWN CLERK**

On motion by Councilman DiCarlo, seconded by Councilman Lombardi and Councilwoman McDonough, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meetings held on December 16, 2009, January 6, 2010 and January 20, 2010 were accepted as submitted by the Town Clerk.

**OFFER OF MAHOPAC-CARMEL CHAMBER OF COMMERCE TO SPONSOR FOUR EPISODES OF “COMMUNITY CONNECT” ACCEPTED**

RESOLVED that the Town Board of the Town of Carmel hereby accepts the offer of the Mahopac -Carmel Chamber of Commerce to sponsor four episodes of “Community Connect” at a cost not to exceed aggregate of \$1,000.00, as contained in its letter of December 18, 2009 to the Town Supervisor which is incorporated herein by reference.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Anthony DiCarlo	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

Supervisor Schmitt expressed appreciation to the Mahopac-Carmel Chamber of Commerce for their sponsorship.

**RESOLUTION FROM 1/20/10 AMENDED - BOND RELEASE AUTHORIZED - 1831 ROUTE 6 CORPORATION - FORMERLY KNOWN AS AARON KASS - TM#55.6-1-49**

WHEREAS application has been made by 1831 Route Six Corporation, formerly known as Aaron Kass for the return of a site plan bond posted in accordance with the Land Subdivision and/or Zoning Regulations for Tax Map #55.6-1-49; and

WHEREAS said application has been reviewed by the Town Engineering Consultant and release of the bond has been recommended and approved by the Town Engineering Consultant; and

WHEREAS the Town Engineering Consultant has advised the Town Board that no construction had commenced by the applicant with respect to the site plan approval for which the bond was posted;

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 said Tax Map #55.6-1-49 in the in the amount of \$359,110.00

3 FEBRUARY 2010  
TOWN BOARD MEETING

(Cont.)

Resolution

Offered by: Councilman DiCarlo  
Seconded by: Councilman Ravallo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>      </u>
Frank Lombardi	<u>X</u>	<u>      </u>
Suzanne McDonough	<u>X</u>	<u>      </u>
Anthony DiCarlo	<u>X</u>	<u>      </u>
Kenneth Schmitt	<u>X</u>	<u>      </u>

**RESOLUTION FROM 1/20/10 AMENDED - SALE OF OBSOLETE VEHICLES AUTHORIZED**

WHEREAS, the Town Board of the Town of Carmel, hereby previously authorized the declaration of certain equipment vehicles maintained by Police Department as obsolete and the disposal of said vehicles in accordance with Town Law and its sale by sealed public bid;

NOW THEREFORE BE IT RESOLVED that the sale of the following vehicles are hereby authorized:

- 1997 Ford Expedition VIN#1FMFU18LXVLB56437 to Danarde Roach, Mahopac, NY – \$600.00;
- 2000 Ford Crown Victoria VIN#2FAFP71WXYX110459 to Theresa C. Smith, Carmel, NY – \$501.00;
- 2000 Ford Crown Victoria VIN#2FAFP71W3YX196231 to James Roberts, Carmel, NY– \$500.00

BE IT FURTHER RESOLVED that the Town Supervisor is hereby authorized to sign any and all documentation necessary to effect transfer of title to the aforesaid vehicles.

Resolution

Offered by: Councilman Ravallo  
Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>      </u>
Frank Lombardi	<u>X</u>	<u>      </u>
Suzanne McDonough	<u>X</u>	<u>      </u>
Anthony DiCarlo	<u>X</u>	<u>      </u>
Kenneth Schmitt	<u>X</u>	<u>      </u>

Supervisor Schmitt indicated that the vehicles have been conveyed to the buyers and noted that the vehicle identification numbers were corrected on the amended resolution.

**2009 ANNUAL REPORT OF TOWN HISTORIAN - ADOPTED**

RESOLVED that the Town Board of the Town of Carmel hereby adopts the 2009 Annual Report of Brian Vangor, Town Historian, in form as attached hereto and made a part hereof.

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman DiCarlo

3 FEBRUARY 2010  
TOWN BOARD MEETING

(Cont.)

Roll Call Vote	YES	NO
Robert Ravallo	X	
Frank Lombardi	X	
Suzanne McDonough	X	
Anthony DiCarlo	X	
Kenneth Schmitt	X	

January 6, 2010

#5

Office of the Supervisor  
Kenneth Schmitt  
Town of Carmel  
60 McAlpin Ave  
Mahopac, NY 10541

☒ Work Session 1/27/10  
☒ Agenda 2/3/10

Dear Mr. Schmitt,

As Historian for the Town of Carmel, I am submitting to you, my annual report in accordance with the Arts and Cultural Affairs Law, Article 57, Division of Historic and Public Records, Section 57.09.

The following is a list of activities that occurred in 2009:

1. Appointed Town of Carmel Historian on July 15th, 2009.
  2. Inventoried, inspected and photographed the 43 Historical Markers located in the Town of Carmel. Prepared a report documenting this inspection. Retrieved the 4 damaged markers from the Town Highway Department, Supervisor's Office and the one damaged near Willow Road.
  3. Had two of the four damaged markers welded and painted. These will be re-installed in the spring of 2010. In addition, at least two other markers will be straightened and/or relocated at that time. The remaining two damaged markers are un-repairable and will need to be replaced. I will look into the possibility of utilizing the annual Historian's budget to replace these two markers in the future.
  4. As a new member of the Putnam County Cemetery Committee, I toured all 18 cemeteries located in the town. As requested by the Committee President (of all towns), I photographed each cemetery and am in the process of assembling an album which will be provided to the Cemetery Committee and Town of Carmel Historical Society (TCHS).
  5. Along with members of the TCHS, I evaluated, for historical impact, the proposed location of two future communication (cell) towers. The findings were reported to the Town Supervisor's Office.
- 
6. Participated in a walk-down of the future Lake Gleneida Walking Trail. As requested by "Keep Putnam Beautiful", I am presently preparing historical information that will be posted on the three informational kiosks that will be located on the trail.
  7. Re-instituted the search for the missing Shaw Cemetery near Lake Gleneida. Have found evidence as to its location using 1933 aerial photographs. I will be inspecting the site (with others) after the winter.
-

(Cont.)

- 8. Along with members of the TCHS, researched and responded to numerous requests from individuals for genealogical and historical information related to the Town of Carmel. Most of these requests have come via e-mail from out of state residents. As of the New Year, I am in the process of responding to two such requests. Example subjects include Jabez Berry, William Stone, the Horsepound Road, Nathan Disbrow and John Drew.
- 9. I have forwarded the idea of having a "Cemetery Tour" in October of 2010. Such tours were given in years past in Carmel. The tour would be provided by two knowledgeable members of the Cemetery Committee and Town of Carmel Historical Society. Tour participants would be ferried from each location by bus. A lunch would be provided in a local restaurant. Proceeds from the tour would go towards cemetery maintenance and repairs. The organizing and advertising for this tour will begin in the summer.
- 10. Received from Mrs. Claudia Allen of Pennsylvania, a diary, written by George Belden in 1811 – 1812. Mrs. Allen is a descendant of the Smalley family of Carmel. The diary was found in an attic in the home of the late Joseph Brooks Smalley on Seminary Hill Road. In the presence of Lillian Eberhardt, Michael Troy and myself, the diary was donated to the Town of Carmel Historical Society on Dec 2, 2009.
- 11. As Town Historian, I became a Trustee of the Town of Carmel Historical Society, a third member (from Carmel) of the Putnam County Cemetery Committee and a member of the Association of Public Historians of New York State.

Sincerely,  
Brian R. Vangor  
Town of Carmel Historian

cc    Lillian Eberhardt – Town of Carmel Historical Society President  
      Sallie Sypher – Putnam County Deputy Historian  
      Robert Weibel – New York State Historian

**DEPARTMENT OF RECREATION AND PARKS - RENEWAL OF LICENSING AGREEMENT WITH ASCAP AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the renewal of the license agreement with ASCAP for public performances of copyrighted music for the year 2010 at the annual rate of \$305.00; and  
BE IT FURTHER RESOLVED that James Gilchrist, Director of Recreation and Parks be and hereby is authorized to execute any documentation and/or reports concerning said license agreement and its renewal on behalf of the Town of Carmel.

Resolution  
Offered by:    Councilman Lombardi  
Seconded by: Councilman Ravallo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Anthony DiCarlo	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

3 FEBRUARY 2010  
TOWN BOARD MEETING

**DEPARTMENT OF RECREATION AND PARKS - FUNDS RESERVED FROM THE  
PARKLAND TRUST FUND FOR IMPROVEMENTS AT CAMARDA PARK -  
\$21,300.00**

RESOLVED that the Town Board hereby reserves the sum \$21,300.00 in the Parkland Trust Fund to fund the cost of the additional improvements at Camarda Park.

Resolution

Offered by: Councilman DiCarlo  
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u></u>
Frank Lombardi	<u>X</u>	<u></u>
Suzanne McDonough	<u>X</u>	<u></u>
Anthony DiCarlo	<u>X</u>	<u></u>
Kenneth Schmitt	<u>X</u>	<u></u>

**DEPARTMENT OF RECREATION AND PARKS - ATTENDANCE OF JAMES  
GILCHRIST AT NEW YORK STATE DEPARTMENT OF HEALTH SEMINAR  
AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Director of Parks and Recreation James Gilchrist to attend the seminar entitled "Healthy Communities Capacity Building Initiative " offered by the New York State Department of Health on February 4, 2010 and February 5, 2010 and authorizes payment of his reasonable and necessary expenses upon audit.

Resolution

Offered by: Councilman Ravallo  
Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u></u>
Frank Lombardi	<u>X</u>	<u></u>
Suzanne McDonough	<u>X</u>	<u></u>
Anthony DiCarlo	<u>X</u>	<u></u>
Kenneth Schmitt	<u>X</u>	<u></u>

Councilman Ravallo inquired about the location of the seminar.

Supervisor Schmitt stated that the seminar will be held in New York City and Mr. Gilchrist will be commuting.

Councilwoman McDonough added that there will be no out of pocket expenses.

**DEPARTMENT OF RECREATION AND PARKS - REQUEST FOR PROPOSALS FOR  
DESIGN ENGINEERING SERVICES FOR BASEBALL/SOFTBALL FIELD AT JIMMY  
MCDONOUGH PARK - AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes James Gilchrist, Director of Recreation and Parks, to request proposals for design engineering services concerning the proposed design and construction of a baseball/softball field and proposed Little League field at the north end of Jimmy McDonough Park.

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman Ravallo



(Cont.)

Roll Call Vote	YES	NO
Robert Ravallo	X	
Frank Lombardi	X	
Suzanne McDonough	X	
Anthony DiCarlo	X	
Kenneth Schmitt	X	

**RESOLUTION ESTABLISHING 2010 WAGE/SALARY RANGES FOR SEASONAL, TEMPORARY AND PART TIME RECREATION & PARKS DEPARTMENT EMPLOYEES - TABLED**

RESOLVED that the Town Board of the Town of Carmel hereby establishes the 2010 wage and salary ranges for seasonal, temporary and part time Recreation and Parks Department employees in accordance with the schedule annexed hereto and made part hereof.

**MOTION TO TABLE**

Offered by: Councilman Ravallo  
Seconded by: Councilwoman McDonough

Roll Call Vote	YES	NO
Robert Ravallo	X	
Frank Lombardi	X	
Suzanne McDonough	X	
Anthony DiCarlo	X	
Kenneth Schmitt	X	

**2010 Camp Pay Scale**

	Year Pay	Hours	Hourly Rate
New Counselor - No Experience	\$1,100.00	180	\$6.11
New Counselor - 1 year CIT Experience or 1 year other camp experience	\$1,175.00	180	\$6.53
Returning Counselor - 1 year Sycamore Experience or 2 years other camp experience	\$1,250.00	180	\$6.94
Returning Counselor - 2 years Sycamore Experience or 3 years other camp experience	\$1,325.00	180	\$7.36
Returning Counselor - 3 years Sycamore Experience or 4+ years other camp experience	\$1,400.00	180	\$7.78
Returning Counselor - 4 years Sycamore Experience	\$1,475.00	180	\$8.19
Returning Counselor - 5 years Sycamore Experience	\$1,550.00	180	\$8.61
Returning Counselor - 6 years Sycamore Experience	\$1,625.00	180	\$9.03
New Camp Arts & Crafts Counselor	\$1,625.00	180	\$9.03
Camp Arts & Crafts Counselor - 1 year Sycamore Experience	\$1,700.00	180	\$9.44
Camp Arts & Crafts Counselor - 2 years Sycamore Experience	\$1,775.00	180	\$9.86
Camp Arts & Crafts Counselor - 3 years Sycamore Experience	\$1,850.00	180	\$10.28
New Assistant Camp Leader	\$1,925.00	180	\$10.69
Assistant Camp Leader - 1 year Sycamore Experience	\$2,000.00	180	\$11.11
Assistant Camp Leader - 2 years Sycamore Experience	\$2,075.00	180	\$11.53
Assistant Camp Leader - 3 years Sycamore Experience	\$2,150.00	180	\$11.94
Assistant Camp Leader - 4 years Sycamore Experience	\$2,225.00	180	\$12.36
New Camp Leader	\$2,250.00	180	\$12.50
Camp Leader - 1 year Sycamore Experience	\$2,350.00	180	\$13.06
Camp Leader - 2 years Sycamore Experience	\$2,450.00	180	\$13.61
Camp Leader - 3 years Sycamore Experience	\$2,550.00	180	\$14.17
Camp Leader - 4 years Sycamore Experience	\$2,650.00	180	\$14.72
Camp Leader - 5 years Sycamore Experience	\$2,750.00	180	\$15.28
Camp Leader - 6 years Sycamore Experience	\$2,850.00	180	\$15.83
New EMT	\$2,500.00	180	\$13.89
EMT - 1 year Sycamore Experience	\$2,600.00	180	\$14.44
EMT - 2 years Sycamore Experience	\$2,700.00	180	\$15.00
EMT - 3 years Sycamore Experience	\$2,800.00	180	\$15.56

The foregoing resolution was offered by Councilman Lombardi and seconded by Councilman DiCarlo for discussion. Councilman Ravallo then offered a motion to table the resolution. The motion to table was seconded by Councilwoman McDonough.

Councilman DiCarlo stated that further review was necessary in regard to the total cost of the salary increases as well as to determine where the funding would come from. He suggested that the Town Board should consider adjusting some of the salaries, not all.

3 FEBRUARY 2010  
TOWN BOARD MEETING

(Cont.)

Councilman Ravallo expressed his agreement with Councilman DiCarlo with regard to the matter.

Supervisor Schmitt explained that the .50 per hour salary increase proposed by James Gilchrist for the Recreation and Parks staff at the previous Work Session was thought to amount to approximately \$5,000.00, however, when calculated by the Town Comptroller's office, the actual total is \$12,400.00. Noting his concern that the aggregate amount is significantly higher, Supervisor Schmitt agreed that the matter requires further review. He stated that he did not favor awarding salary increases to all and that increases should be given for certain employees or possibly none given at all at this time.

Councilman Lombardi spoke regarding the need for the Town Board to control costs during this difficult economic time. He agreed that raises should not be given across the board, and perhaps the Town Board should forgo them altogether.

A roll call vote was then taken on the motion to table which was unanimously approved.

**DEPUTY COMPTROLLER - CERTAIN EQUIPMENT DECLARED OBSOLETE AND DISPOSAL AUTHORIZED**

RESOLVED that, upon the recommendation of Maryann Maxwell, Deputy Comptroller, the Town Board of the Town of Carmel hereby declares the following equipment to be obsolete and hereby authorizes its disposal in accordance with the provisions of New York State Town Law, including but not limited to Town Law §64:

- IBM Selectric III Typewriter Prestige Pica 96 (Serial Number Unknown)

Resolution

Offered by: Councilman DiCarlo  
Seconded by: Councilman Ravallo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>      </u>
Frank Lombardi	<u>X</u>	<u>      </u>
Suzanne McDonough	<u>X</u>	<u>      </u>
Anthony DiCarlo	<u>X</u>	<u>      </u>
Kenneth Schmitt	<u>X</u>	<u>      </u>

**2010 TOWN OF CARMEL PROCUREMENT POLICY - ADOPTED**

WHEREAS Section 104-b of the General Municipal Law requires the governing body of every municipality to annually review their Official Procurement Policy, for the purchase of all goods and services which are not required by law to be publicly bid; and

WHEREAS, the Town of Carmel and its respective departments have undertaken a review of the existing Official Procurement Policy,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel hereby adopts the Procurement Policy which is attached hereto and made a part of hereof and designates the Town Comptroller's Office to distribute the policy to all department heads, and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel, pursuant to §104 of the General Municipal Law designates the following individuals as municipal officials responsible for purchasing decisions:

(Cont.)

<u>TITLE</u>	<u>POSITION INCUMBENT</u>
TOWN SUPERVISOR	KENNETH SCHMITT
TOWN BOARD MEMBER	ANTHONY DICARLO
TOWN BOARD MEMBER	ROBERT RAVALLIO
TOWN BOARD MEMBER	FRANK LOMBARDI
TOWN BOARD MEMBER	SUZANNE McDONOUGH
TOWN JUSTICE	JOSEPH J. SPOFFORD, JR.
TOWN JUSTICE	THOMAS JACOBELLIS
JUSTICE COURT CLERK	PATRICIA GENNA
DEPUTY COMPTROLLER	MARYANN MAXWELL
TOWN ASSESSOR	PAUL JONKE
TOWN CLERK	ANN GARRIS
DEPUTY TOWN CLERK	PHYLLIS BOURGES
RECEIVER OF TAXES	KATHLEEN KRAUSS
DEPUTY RECEIVER OF TAXES	GENINE HEISER
TOWN ENGINEERING PROJECTS COORDINATOR	ROBERT VARA
PRINCIPAL CLERK	EILEEN BRENNAN
HIGHWAY SUPERINTENDENT	MICHAEL SIMONE
DEPUTY HIGHWAY SUPERINTENDENT	ROBERT ERICKSON
CHIEF OF POLICE	MICHAEL JOHNSON
POLICE LIEUTENANT	MICHAEL CAZZARI
POLICE LIEUTENANT	BRIAN KARST
DIRECTOR OF CODES ENFORCEMENT	MICHAEL CARNAZZA
DIRECTOR OF PARKS AND RECREATION	JAMES GILCHRIST
SECRETARY TO ADMINISTRATIVE BOARDS	MARGARET MOORE

Resolution

Offered by: Councilman Ravallo  
Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Anthony DiCarlo	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

**TOWN OF CARMEL**

**PROCUREMENT POLICY AND PROCEDURES**  
**(Revised January 2010)**

The following sets forth the policies and procedures of the Town of Carmel to meet the requirements of General Municipal Law, (GML) Sections 103 and 104.

**PURPOSE**

Goods and services which are required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public monies, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost, and to guard against favoritism, improvidence, extravagance, fraud and corruption. The Purchasing Policy confirms the commitment of The Town of Carmel to ensure that its purchases of goods and services are made legally, fairly, prudently, competently, and at the lowest possible cost offered by responsible vendors. This Purchasing Policy, General Municipal Law Sections 103 and 104, and the State Comptroller’s Financial Management Guide subsection 8, provide guidance to those involved in the purchasing process. The Town of Carmel adopts the following Purchasing Policy statements in accordance with Section 104b of the General Municipal Law (GML).

---



(Cont.)

**I. ANALYZE THE PROPOSED PROCUREMENT/PURCHASE**

Generally, the official(s) responsible for making the particular procurement will make the initial determination of whether competitive bidding is required as follows:

- Determine whether it is expected that over the course of the fiscal year, the Town will spend in excess of the competitive bidding thresholds for the same or similar items or services.
- Determine whether an item is available under State or County contract.
- For legal issues regarding the applicability of competitive bidding requirements, verify with the Town Legal Counsel, as appropriate
- In the case of an emergency, determine that the statutory criteria are met (see GML, §102[4])
- In the case of a lease, determine that a document is a true lease and not an installment purchase contract
- In the case of a sole source, determine that the item is required in the public interest, has no reasonable equivalent and is in fact available only from one source.
- In the case of a combination of professional services and a purchase, determine whether the professional service is the predominate part of the transaction and is inextricably integrated with the purchase.

ProcurementPolicy2010.doc

I

**CATEGORIES OF PROCUREMENTS/PURCHASING**

This chart identifies the procurement/purchasing categories subject to the Competitive Bidding Requirements of Section 103 GML or the Town Procurement Policy required by Section 104-b GML and where further information can be found.

Procurement Category	Subject to Competitive Bidding (§103)	Procurement Policy (§104-b)	Reference Law
<b>Purchase and Public Works Contracts:</b>			
1. Purchase Contract – Above \$10,000	X		103 GML
2. Purchase Contract – Below \$10,000		X	104 GML
3. Contract for Public Work – Above \$35,000	X		103 GML
4. Contract for Public Work – Below \$35,000		X	104 GML
<b>Procurement Exempt from GML §103 and §104-b</b>			
5. Agencies for Blind or Severely Handicapped, etc.		X	175-b SFL
6. Correctional Institutions		X	184 CL
7. State Contract		X	104 GML
8. County Contract		X	103(3) GML
<b>Procurement Exempt from GML §103 and 104b</b>			
9. Emergencies (See section below)		X	103(4) GML
10. Sole Source (See section below)		X	103(4) GML
11. Professional Services		X	103(4) GML
12. True Leases		X	103(4) GML
13. Insurance		X	103(4) GML
14. Second-Hand Equipment from Another Government		X	103(6) GML

Statutory Exceptions from These Policies and Procedures. Exceptions include procurements made pursuant to General Municipal Law, Section 103(3) (through county contracts) or Section 104 (through state contract), State Finance Law, Section 175-b (from agencies for the blind or other severely handicapped, special employment programs for the mentally ill or veteran's workshops), and Correction Law, Section 186 (articles manufactured in correctional institutions).

EMERGENCIES. There are three basic statutory criteria to be met within this exception. These are

- (1) the situation arises out of an accident or other unforeseen occurrence or condition;
- (2) the circumstance affects public building, public property or the life, health, safety or property of the political subdivision's residents; and
- (3) the situation requires immediate action which cannot await competitive bidding.

(Cont.)

NOTE: THE TOWN BOARD SHOULD PASS A RESOLUTION DECLARING THAT A PUBLIC EMERGENCY EXISTS BASED ON CERTIFICATION OF AN AUTHORIZING TOWN EMPLOYEE.

Sole Source. With this exception, the town employee should document the unique benefits of the item as compared to other items available in the marketplace; that no other item provides substantially equivalent or similar benefits; and that, considering the benefits received, the cost of the item is reasonable, when compared to other products or services in the marketplace.

In addition, the responsible town employee must document that, there is no possibility of competition for the procurement and there is a sole source provider.

II. METHODS OF COMPETITION TO BE USED FOR NON-BID PROCUREMENTS

The Town Board of the Town of Carmel requires that the method to be used for seeking competition depends on the amount and type of procurement listed in the following chart.

TYPE AND AMOUNT OF PROCUREMENT	VERBAL QUOTES			WRITTEN QUOTES		OFFICIAL RFPs	EXCEPT EXEMPT
	0	3	More Than 3	3	More Than 3		
Purchase Contracts Below \$10,000							
200 – 999		X					
1,000 – 2,999			X				
3,000 – 9,999				X			
Public Work Contracts Below \$35,000							
Under 1,000	X						
1,000 – 2,000		X					
3,000 – 9,999				X			
10,000 – 19,999						X	
* 20,000 – 34,999						X	
Emergencies							X
Insurance							X
Professional Services						X	X
True Leases							X
Second-Hand Equipment from other Govts.							X
Sole Source Providers							X

\* NOTES: THE TOWN WILL CONTINUE TO MONITOR PUBLIC WORK CONTRACTS FOR COMPETITIVE PRICING IN THE INCREASED BID LIMIT \$20,000 – \$34,999; FOR EXEMPTIONS, OFFICIAL REQUESTS FOR PROPOSALS (RFP'S) ARE STILL ENCOURAGED.

General Municipal Law, Section 104-b, subdivision 2, paragraph (b) requires that alternative proposals for goods and services be secured by the responsible employee by use of written requests for proposals, written quotations, verbal quotations or any other methods which further the objectives of Section 104-b.

III. DOCUMENT ACTIONS TAKEN

Documentation of actions taken shall include board resolutions, memoranda, written quotes, telephone logs for verbal quotes, requests for proposals, contracts and other appropriate forms of documentation.

Distinguish between contracts for public works and purchase contracts. In general, purchase contracts involve the acquisition of commodities, materials, supplies or equipment, while contracts for public work involve services, labor or construction. Each procurement must be reviewed on a case-by-case basis and a determination made as to what kind of contract is involved.

For other items not subject to competitive bidding, such as professional services, emergencies, purchases under State or County contracts or procurements from sole sources, documentation could include a memo to the files which details why the procurement is not subject to competitive bidding and include:

- a description of the facts giving rise to an emergency and a statement of how the situation meets the statutory criteria
- a description of the particular professional services and a statement of what general criteria apply
- copies of state or county contracts
- opinions of the municipal attorney
- a description of sole source items and how such determinations were made.

(Cont.)

Verbal Quotations. The responsible employee should record at a minimum: date, item or service desired, price quoted, name of vendor, name of vendor's representative.

Written or Fax Quotations. Vendors should provide at a minimum: date, description of item or details of service to be provided, price quoted, name of contact.

Requests for Proposals. Public notice and a minimum number of professionals are contacted directly asking for the submission of written proposals. A request for proposals and evaluation of proposals should consider price plus other factors like experience, staffing and suitability for needs and may include negotiations on a fair and equal basis. The award should be the most advantageous to the Town.

**NOTE:** \* TOWN LEGAL COUNSEL SHOULD REVIEW RFPS AND CONTRACTS TO BE EXECUTED WITH THE FIRM SELECTED.

#### IV. PROCUREMENT FROM OTHER THAN LOWEST RESPONSIBLE DOLLAR OFFERED

Whenever any contract is awarded to other than the lowest responsible vendor or contractor there must be justification and documentation of the reason why the purchase is in the best interest of the Town and otherwise furthers the purposes of Section 104-b.

For example, if a vendor submitting the lowest proposal has a history of not making deliveries on time or of delivering goods of inferior quality, such facts might be justification for taking other than the lower offer, but such decision must be documented with facts.

#### V. GOVERNING BOARD EXCEPTIONS

The Town Board sets forth the following circumstance where types of procurements for which it would not be in the best interests of the Town to solicit alternative proposals or quotations:

- emergencies where time is a crucial factor
- procurements for which there is no possibility of competition (sole source items)
- very small procurements for which solicitations of competition would not be cost effective.

#### VI. INPUT FROM OFFICERS INVOLVED IN PROCUREMENT

Comments concerning the policies and procedures shall be solicited from officers of the Town of Carmel therein involved in the procurement process from time to time, to be used in amending the policy when circumstances warrant changes.

#### VII. UPDATING THE POLICIES AND PROCEDURES

The Town Board shall annually review these policies and procedures. The Comptroller's Office shall be responsible for conducting an annual review of the Procurement Policy and for evaluation of the internal control structure established to ensure compliance with the procurement policy.

#### VIII. UNINTENTIONAL FAILURE TO COMPLY

The unintentional failure to fully comply with the provisions of General Municipal Law Section 104-b shall not be grounds to avoid action taken or give rise to a cause of action against the Town of Carmel or any officer or employee thereof.

---

#### IX. RESPONSIBLE PURCHASING AGENTS – NAMES AND TITLES

Pursuant to Chapter 402 of the Laws of 2007, effective January 1, 2010, as required under Section 104 of the NYS General Municipal Law, the Town is including the names of the municipal officials responsible for purchasing decisions, as follows:

---



(Cont.)

<u>Position Title</u>	<u>Position Incumbent</u>
Town Supervisor	Kenneth Schmitt
Town Board	Anthony DiCarlo
Town Board	Robert Ravallo
Town Board	Frank Lombardi
Town Board	Suzanne McDonough
Town Justice	Joseph Spofford
Town Justice	Thomas Jacobellis
Court Clerk	Patricia Genna
Deputy Comptroller	Mary Ann Maxwell
Town Assessor	Paul Jonke
Town Clerk	Ann Garris
Deputy Town Clerk	Phyllis Bourges
Receiver of Taxes	Kathleen Kraus
Deputy Receiver of Taxes	Genine Heiser
Town Engineering Project Coordinator	Robert Vara
Principal Clerk	Eileen Brennan
Highway Superintendent	Michael Simone
Deputy Highway Superintendent	Robert Erickson
Chief of Police	Michael Johnson
Lieutenant	Michael Cazzari
Lieutenant	Brian Karst
Codes Enforcer	Michael Carnazza
Director of Parks and Recreation	James Gilchrist
Secretary to the Boards	Margaret Moore

**X. REIMBURSEMENT FOR EXPENSES \$15.00 OR LESS**

From time to time a department head or employee attends a town business function or makes a minor purchase for which they lost a receipt, did not receive a receipt or forgot to obtain a receipt. Documentation representing what was paid for, how much was paid for it, that it was for town business, and the signature of the claimant verifying such will be acceptable in lieu of a receipt. The town reserves the right to reject such claim if claims lacking receipts become more frequent, or if it becomes known that receipts are readily available. Receipts should be attached to claims for reimbursement whenever possible: regardless of the dollar amount.

**APPLICATION FOR A BUILDING PERMIT AT MOUNT HOPE UNITED METHODIST CHURCH - FEE WAIVED - JAKE ISHERWOOD, EAGLE SCOUT CANDIDATE**

RESOLVED that the Town Board of the Town of Carmel hereby waives the fee in reference to the application of Jake Isherwood seeking a building permit for his Eagle Scout project to be constructed at Mount Hope United Methodist Church, Mahopac, NY.

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilmen DiCarlo and Ravallo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Anthony DiCarlo	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

Supervisor Schmitt acknowledged Jake Isherwood for his efforts and called upon him to explain his Eagle Scout project.

Jake Isherwood spoke regarding his plan to build a shed/bathroom at the Mount Hope United Methodist Church.

**PROPOSAL ACCEPTED FOR TRAFFIC STUDY - MT. HOPE ROAD - FREDERICK  
P. CLARK ASSOCIATES - NOT TO EXCEED \$12,600.00**

WHEREAS, the Town Board of the Town of Carmel had previously authorized John Karell, Jr., Engineering Consultant, to request proposals for a comprehensive traffic study to be conducted concerning traffic in the Route 6 Corridor and intersection of Mt. Hope Road, the Commuter Parking Lot proposed by the County of Putnam and Woodcrest Gardens, and

WHEREAS, the Engineering Consultant has received such proposals and has recommended the awarding of the proposal to Frederick P. Clark Associates of Rye, New York at a cost not to exceed \$12,600.00 as detailed in his memorandum dated December 16, 2009;

NOW THEREFORE BE IT RESOLVED that the Town Board hereby accepts the proposal of Frederick P. Clark Associates to perform the aforesaid traffic study at a cost not to exceed \$12,600.00 and

BE IT FURTHER RESOLVED, that upon presentation of insurance certificates as required by the proposal and approved by the Town Counsel, the Supervisor is authorized to sign all necessary documents to accept said proposal.

BE IT FURTHER RESOLVED, that the Comptroller's office of the Town of Carmel is hereby authorized to make any and all necessary budgetary transfers in connection with the award of this proposal.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo		<u>X</u>
Frank Lombardi	<u>X</u>	
Suzanne McDonough		<u>X</u>
Anthony DiCarlo	<u>X</u>	
Kenneth Schmitt	<u>X</u>	

The foregoing resolution was offered by Councilman Lombardi and seconded by Councilman DiCarlo.

Prior to the roll call vote, Councilwoman McDonough offered a motion to table the resolution. Councilman Ravallo seconded the motion to table.

Councilwoman McDonough expressed her concerns for expending funds to conduct the traffic study. Noting that she was neither for nor against the traffic study at this time, Councilwoman McDonough explained that she needed additional time to investigate the matter further.

Councilman Ravallo stated his opposition to spending money for the traffic study if its purpose is to attempt to stop Putnam County from building the commuter parking lot, because he said, it will not. Councilman Ravallo suggested that if it were to be undertaken, the time to perform the traffic study would be after the commuter parking lot is in place.

Supervisor Schmitt spoke in support of moving forward with the traffic study. He added that the traffic study may assist in the decision as to whether or not the Town should move forward with the relocation of the entrance to Woodcrest Gardens.

Councilman DiCarlo cited deficiencies in Putnam County's planning of the commuter parking lot.

Councilman Lombardi spoke in support of the traffic study and suggested that residents contact their County legislators to request that Putnam County fund it.

(Cont.)

Discussion regarding the matter continued at the conclusion of which a roll call vote was taken on the motion to table with Councilman Ravallo voting “aye”, Councilman Lombardi voting “no”, Councilwoman McDonough voting “aye”, Councilman DiCarlo voting “no”, and Supervisor Schmitt voting “no”. The motion to table failed.

A roll call vote was then taken on the resolution as offered by Councilman Lombardi and seconded by Councilman DiCarlo. The motion passed 3-2. Discussion ensued regarding the traffic study’s funding source.

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND PUTNAM COUNTY DEPARTMENT OF HIGHWAYS AND FACILITIES REQUESTED TO UNDERTAKE TRAFFIC ENGINEERING STUDY - INTERSECTION OF ROUTE 6N AND WEST LAKE BOULEVARD**

RESOLVED that the Town Board of the Town of Carmel hereby requests that the New York State Department of Transportation (NYSDOT) and the Putnam County Department of Highways and Facilities commission, commence and/or undertake a comprehensive traffic engineering study concerning the existing traffic conditions at the intersection of Route 6N and West Lake Boulevard in Mahopac, NY; and

BE IT FURTHER RESOLVED the Town Supervisor is hereby authorized to immediately transmit a copy of this resolution to NYSDOT and the Putnam County Department of Highways and Facilities, together with all other related reports prepared by the Town of Carmel Police Department and Highway Department.

Resolution

Offered by: Councilman DiCarlo  
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>      </u>
Frank Lombardi	<u>X</u>	<u>      </u>
Suzanne McDonough	<u>X</u>	<u>      </u>
Anthony DiCarlo	<u>X</u>	<u>      </u>
Kenneth Schmitt	<u>X</u>	<u>      </u>

**BID AWARDED FOR THE PURCHASE AND INSTALLATION OF HYDRANT AND VALVE EQUIPMENT IN CARMEL WATER DISTRICTS #2, #3 AND CARMEL SEWER DISTRICT #2 - SUN UP ENTERPRISES - \$33,585.00**

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for the purchase and installation of hydrant and valve equipment in Carmel Water Districts #2, #3 and Carmel Sewer District #2, and

WHEREAS such bids were received and opened on December 30, 2009 as detailed in the bid opening memo of John Karell, Jr. Engineering Consultant, on file in the Town Clerk's Office, and

WHEREAS John Karell, Jr. Engineering Consultant has recommended the awarding of the bid as set forth hereafter,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby awards the bids for purchase and installation of hydrant and valve equipment in Carmel Water Districts #2, #3 and Carmel Sewer District #2 to Sun Up Enterprises, Wappinger Falls, NY, the lowest responsible bidder who met specifications, at the price of \$33,585.00, and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates, labor and material bonds and performance bonds, to the extent that same are required by the bid specifications and in form as approved by the Town Counsel, the Supervisor is authorized to sign any and all contract documents, in form as contained in the bid specifications, for the performance of said work.



(Cont.)

Resolution

Offered by: Councilman Ravallo  
Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Anthony DiCarlo	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

Prior to offering the resolution, Councilman Ravallo confirmed with Legal Counsel that this project did not involve the New York City Department of Environmental Protection.

**PROPOSAL ACCEPTED FOR TREATMENT OF UPPER AND LOWER TEAKETTLE SPOUT LAKES - 2010 AND 2011 - LIMNOLOGY INFORMATION AND FRESHWATER ECOLOGY (L.I.F.E.) - \$6,050.00**

WHEREAS the Town Engineer has solicited proposals for the treatment of Upper Teakettle Spout Lake and Lower Teakettle Spout Lake for the years 2010 and 2011 and has forwarded a memo with a recommendation for the awarding of the proposal, a copy of which is on file in the Town Engineer's Office;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposal of Limnology Information and Freshwater Ecology (L.I.F.E.) of Hopewell Junction, New York for the performance of Aquathol K and Copper Sulfate Treatment of Upper and Lower Teakettle Spout Lake for the years 2010 and 2011 at a total lump sum cost of \$6,050.00; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates and/or bonds as required by the proposal and in form as approved by the Town Counsel, the Supervisor is authorized to sign all necessary documents to accept said proposal.

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman Ravallo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Anthony DiCarlo	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

**DONATION OF SERVICES AND SPACE AUTHORIZED - US CENSUS BUREAU - 3/19/10 THROUGH 4/16/10**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the temporary donation of space to the US Census Bureau for a Questionnaire Assistance Center located within the Town Hall, 60 McAlpin Avenue, Mahopac, NY for the dates of March 19, 2010 through April 16, 2010; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute the Donation of Services and Space Agreement in form attached hereto and made part hereof.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilman DiCarlo

(Cont.)

Roll Call Vote	YES	NO
Robert Ravallo	X	
Frank Lombardi	X	
Suzanne McDonough	X	
Anthony DiCarlo	X	
Kenneth Schmitt	X	

FORM D-1281  
(4-23-2009)

U.S. DEPARTMENT OF COMMERCE  
Economics and Statistics Administration  
U.S. CENSUS BUREAU

CONDITIONS FOR DONATION OF SERVICES AND SPACE AGREEMENT  
2010 Census

The common goal of the U.S. Census Bureau and the Donor is to achieve a complete and accurate count in the 2010 Census.

A. Donation of Space

Under the guidance of the U.S. Census Bureau, the Donor agrees to provide space for a Questionnaire Assistance Center (QAC) within the property of their organization for the purpose of helping those persons who request assistance in completing their 2010 Census questionnaire.

This donation is subject to the following terms and conditions:

- The Donor will provide space for the QAC at the following times and on the following (days): FRIDAYS 11 AM Beginning: 3/19/2010. The U.S. Census Bureau expects peak usage of the Questionnaire Assistance Centers to extend from March 19, 2010 to April 19, 2010. It would be most beneficial to the community if the person working at this QAC spoke the following language: English/Spanish.
- The U.S. Census Bureau will not reimburse the Donor Organization for any expenses related to the provision of the QAC space.
- Questionnaire assistance will be provided without any charge whatsoever to the respondent.
- The U.S. Census Bureau will provide a poster and/or a banner to be placed at the authorized Questionnaire Assistance Center, designating those places as U.S. Census Bureau sanctioned assistance centers. A Be Counted box will be available on the premises for the respondent to obtain a Be Counted questionnaire if they did not receive one at their place of residence or they believe they were not added to the census questionnaire sent to their place of residence.
- The Donor Organization agrees to provide or to arrange for the provision of suitable space to be used as Questionnaire Assistance Centers during the 2010 Census. Questionnaire Assistance Center Representatives (QAC reps) will occupy the space and provide assistance to those respondents who visit the Questionnaire Assistance Centers.

This donation is subject to the following terms and conditions:

- The Town of Carmel (organization) will donate Meeting Room #2 square feet of office space in CARMEL TOWN HALL (building name), at 60 McAlpin Avenue (address), MAHOPAC NY 10541 (City, State, and ZIP Code) for a period of 5 (number of weeks), commencing on 3/19/2010 (date) through 4/16/2010 (date).
- The space shall accommodate one (1) desk (or table) and two (2) chairs, in which the QAC rep may interview, privately and undisturbed, the respondent(s) seeking assistance.
- The space is being donated to the U.S. Census Bureau at no cost to the government.

B. Liability

In the event that injury or damage is caused a U.S. Census Bureau employee while acting within the scope of his or her authority, the incident will be covered under the Federal Tort Claims Act, Title 28 U.S.C. §2671, et seq. Any claims arising from such incidents may be filed with the U.S. Census Bureau and will be promptly addressed.

Any injury occurring to a U.S. Census Bureau employee while acting within the scope of his or her employment will be covered under the Federal Employees Compensation Act, Title 5 U.S.C. §8101, et seq.

Because the Federal Government is self-insured, it is the U.S. Census Bureau's policy not to purchase or pay for commercial liability insurance. In addition, the Anti-Deficiency Act, Title 31 U.S.C. §1341, et seq., prohibits any Federal agency from undertaking contingent and undetermined liability without funds being appropriated by Congress for such purpose. For this reason, the Government cannot agree to a "hold-harmless" clause nor can it waive the right to sue.

Signature	Date	Signature	Date
<u>Kenneth Schmitt, Town Supervisor</u>			
Name - Please print Donor		Name - Please print Regional Director, U.S. Census Bureau	

Copy distributions: WHITE - Assistant Manager for Quality Assurance (AMQA) in the LCO YELLOW - Donor of space

USCENSUSBUREAU

**RESOLUTION ADOPTED IN SUPPORT OF AMENDMENT OF GENERAL MUNICIPAL LAW §207-C**

WHEREAS, pursuant to New York General Municipal Law §207-c, certain municipal employees are entitled to payment of municipal compensation including payment of salary, benefits and medical expenses upon injury incurred in performance of duties, such payments being non-taxable and indefinite in duration; and

WHEREAS, the office of the State Comptroller has the final determination as to when an employee qualified under GML §207-c is eligible for a disability retirement; and

WHEREAS, employees receiving benefits pursuant to GML §207-c indefinitely may occupy a position that could be filled by another employee; and

WHEREAS, GML §207-c as interpreted by the New York State Court of Appeals may lead to substantially increase municipal expenditures and create resulting hardship to taxpayers;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby supports legislation to amend GML §207-c to require disability retirement benefits to be extended to any qualified employee under GML §207-c who has been receiving benefits for a period of 36 months without the ability to return to work.

Resolution

Offered by: Councilman DiCarlo

Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Anthony DiCarlo	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

Prior to voting, Councilman Ravallo indicated that he did not have adequate information to vote on the foregoing resolution. Supervisor Schmitt called upon the Town Counsel to explain the proposal to reform General Municipal Law 207-c and a brief discussion was held. Councilman Ravallo concluded that since the resolution was not binding and to keep the dialog progressing regarding the matter, he would vote in the affirmative.

**HIGHWAY DEPARTMENT - HEARING OFFICER APPOINTED - JOSEPH WOOLEY**

RESOLVED that the Town Board of the Town of Carmel hereby confirms the appointment of Joseph Wooley as Hearing Officer in the Civil Service Law §75 Proceedings pending concerning Town of Carmel Highway employee #010810, at a rate of \$175.00 per hour.

Resolution

Offered by: Councilman Ravallo

Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Anthony DiCarlo	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

**PUBLIC COMMENTS**

John Butler asked in regard to Resolution #9, who will be issuing the request for proposals for design engineering services for the construction of a baseball/softball field at Jimmy McDonough Park.

3 FEBRUARY 2010  
TOWN BOARD MEETING

(Cont.)

Supervisor Schmitt stated that the Town Engineer's department will be assisting James Gilchrist, Director of Recreation and Parks.

Mr. Butler commented in regard to Resolution #10, that no raises should be awarded. In regard to Resolution #14, he asked what may have occurred if the Town did not transfer the land to the County for a commuter parking lot.

Mr. Folchetti explained that Putnam County could have obtained the property through eminent domain.

Mr. Butler commented that Resolution #17 refers to the "Town Engineer".

Mr. Folchetti indicated that reference was made to the "Town Engineer's Office".

Mr. Butler inquired about the basis for the Pulte v. Town of Carmel litigation.

Mr. Folchetti explained that Pulte Homes has filed an Article 78 proceeding contesting the imposition of senior housing recreation fees for units proposed on three lots. Mr. Folchetti held a brief discussion with Mr. Butler regarding the matter.

Mr. Butler inquired about Item 2, under Executive Session, Councilman Ravallo - Comptroller.

Councilman Ravallo held discussion with Mr. Butler and confirmed that the Executive Session item concerns an individual.

Supervisor Schmitt called upon Mr. Folchetti to respond to a question posed by Mr. Butler at a prior meeting in regard to insurance.

Mr. Folchetti explained that the Town's engineering consultant, and all legal consultants, tender malpractice insurance to the Town as part of their agreements.

Mr. Butler inquired about the financial consultant.

Mr. Folchetti stated that the financial consultant does not. Because he does not sign anything on behalf of the Town of Carmel and is not a licensed individual, he may not necessarily be a candidate for professional insurance. Discussion regarding the issue ensued.

Supervisor Schmitt responded to another question posed by Mr. Butler at a prior meeting regarding Camarda Park. He stated that a slope is failing and reported on the Town's efforts to remedy the situation. The Supervisor held a brief discussion with Mr. Butler regarding the matter.

Bob Laga expressed his appreciation to the Town Board for authorizing the traffic study. He commented in regard to the County Legislators, that only Ms. LoBue and Ms. Odell supported the residents.

Councilman Lombardi clarified that he called upon residents to contact the legislators with boundaries within the Town of Carmel to request that the County pay for the traffic study.

Jerry Ravnitzky asked in regard to Resolution #14, if the \$220,000.00 previously authorized by the State for the relocation of the entrance to Woodcrest Gardens is still available given its current poor economic condition.

Councilwoman McDonough responded that the monies are there now, however, may not be in the future.

Supervisor Schmitt added that the funding agreement expires in 2012.

**3 FEBRUARY 2010  
TOWN BOARD MEETING**

(Cont.)

Mr. Ravnitzky spoke regarding monies that the Town may be eligible for in regard to energy conservation measures. He held a brief discussion with the Supervisor at the conclusion of which, Mr. Ravnitzky stated that he would provide the Town Board with information regarding the matter.

Mickey Farina inquired about the salary schedule for seasonal, temporary and part-time Recreation and Parks Department employees contained in Resolution #10.

Councilman DiCarlo stated that their salary corresponded with their years of experience with the Town.

Mr. Farina stated that he appreciated that the Town Board is concerned about spending taxpayer dollars during these difficult economic times.

Ann Fanizzi expressed her support of the traffic study authorized at Mt. Hope Road.

David Gagliardi and Ann Fanizzi commented in regard to the proposed Empire Zones in the Town of Carmel and discussion with Councilman Ravallo regarding the matter ensued.

Pat Capozza thanked the Town Board for moving forward with the traffic study at Mt. Hope Road. She held a brief discussion with Councilman Ravallo regarding the traffic study.

Anita Olivier spoke in favor of the traffic study at Mt. Hope Road.

Scott Friedman commented that the Town Board should allow for public comment at a meeting, prior to voting on the item. He then asked in regard to Resolution #7, how much money was reserved to fund the cost of additional improvements at Camarda Park.

Supervisor Schmitt replied that \$21,300.00 has been reserved.

Mr. Friedman then asked how much money has been spent on Camarda Park to date.

Supervisor Schmitt replied that it has cost approximately 2.15 million dollars to build the park.

Mr. Friedman asked if the amount included legal fees.

Thomas Carey, Town Financial Consultant, indicated that the information can be obtained in the Comptroller's Office.

Mr. Friedman asked if there were any other expenditures budgeted for the park.

Supervisor Schmitt replied that nothing else was proposed at the moment.

**TOWN BOARD MEMBER COMMENTS**

Councilman Lombardi spoke regarding comments made by a resident in support of the Police Special Conditions Unit and construction of a Town of Carmel recreation center.

Councilman Ravallo provided an update on the progress of the Police Special Conditions Unit and discussion was held regarding local drug enforcement.

Councilwoman McDonough reported that she and Councilman DiCarlo attended a meeting with Mahopac Central School District Superintendent Thomas Manko and members of the School Board with regard to shared services.

**3 FEBRUARY 2010  
TOWN BOARD MEETING**

(Cont.)

Councilman DiCarlo detailed the issues discussed at the meeting held with the representatives of the Mahopac Central Schools which included property tax bill surcharges, property tax exemptions, recreation, shared services and purchasing.

Supervisor Schmitt explained that the reason that no more than two members of the Town Board attend meetings such as this is to comply with the Open Meetings Law.

Councilman Lombardi pointed out that the items considered at the Voting Meeting have previously been discussed at a Work Session and public comment was welcome regarding the topics at that time.

Supervisor Schmitt indicated that his office maintains an "open door" policy for all constituents and encouraged residents to contact him at any time with their questions or comments.

Supervisor Schmitt provided ticket information regarding the Lake Mahopac Rotary Club's charity basketball game against the Harlem Magicmasters to be held on February 19, 2010 at the Mahopac High School.

Supervisor Schmitt offered details regarding the Italian American Club of Mahopac's "Las Vegas Style Poker Tournament" on February 6, 2010. The event is being held to raise funds for Serena, an ill Italian youth seeking medical treatment and therapy in the United States.

Supervisor Schmitt announced that the Carmel Rotary is sponsoring a basketball shoot-out on February 27, 2010 at the Carmel High School. The proceeds will benefit various non-profit organizations in the community.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Ravallo, seconded by Councilman DiCarlo, with all Town Board members present and in agreement, the meeting was adjourned at 9:15 p.m. to Executive Session to discuss the following:

1. Discussion of Board Vacancies
2. Councilman Ravallo - Comptroller
3. Litigation - Pulte v Town of Carmel
4. Litigation - Jacopino v Town of Carmel

Respectfully submitted,

Ann Garris, Town Clerk