

24 FEBRUARY 2010

**TOWN BOARD SPECIAL MEETING
TOWN HALL, MAHOPAC, N.Y.**

A Special Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 24th day of February 2010 at 7:14 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Lombardi, Councilwoman McDonough, Councilman DiCarlo and Supervisor Schmitt. Councilman Ravallo 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.

**ENCUMBRANCES OF 2009 FUNDS FOR EXPENDITURES IN 2010 AUTHORIZED -
MS 4 COMPLIANCE STUDY, JUSTICE COURT SPECIAL IMPROVEMENTS,
PUTNAM COUNTY SOIL/WATER DISTRICT, SOCIETY HILL CERTIORARI**

WHEREAS, it is recommended by the Town Financial Consultant that 2009 Budget Funds be encumbered or reserved in the General Fund for the 2010 Budget Appropriations, based on recent approved Town Board Resolutions and/or specific projects in progress for various purposes.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel authorizes the Town Comptroller's Office to Encumber or Reserve unexpended 2009 General Fund monies for expenditures in fiscal year 2010 as follows:

<u>Purpose of Encumbrance</u>	<u>Accounts</u>	<u>Request</u>	<u>Explanation and/or Comments</u>
MS 4 Compliance Study	100-1010-0046	\$ 6,542	Consulting Contract Balance (12/31/09)
Justice Court Special Improvements	100-1110-0020	\$17,212	Courtroom Security Improvements (Bal12/2/09)
Putnam County Soil/Water District	100-1010-0046	\$ 3,200	MS4 Coordinating Committee Agreement
Society Hill Certiorari	100-1930-0040	\$31,908	Settlement Approval October 2009
Total General Fund Encumbrances		\$58,862	

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Ravallo	<u> </u>	<u> </u>	Absent
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>	

Gregory Folchetti, Legal Counsel, explained that at the request of Councilman Ravallo, the "Resolution Authorizing Encumbrances of 2009 Funds for Expenditures in 2010" which was tabled at the February 17, 2010 meeting is being offered as two resolutions. The Mount Hope Traffic Study encumbrance will be offered as a separate resolution.

**ENCUMBRANCE OF 2009 FUNDS FOR EXPENDITURE IN 2010 AUTHORIZED -
MOUNT HOPE TRAFFIC STUDY**

WHEREAS, it is recommended by the Town Financial Consultant that 2009 Budget Funds be encumbered or reserved in the General Fund for the 2010 Budget Appropriations, based on recent approved Town Board Resolutions and/or specific projects in progress for various purposes.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel authorizes the Town Comptroller's Office to Encumber or Reserve unexpended 2009 General Fund monies for expenditures in fiscal year 2010 as follows:

<u>Purpose of Encumbrance</u>	<u>Accounts</u>	<u>Request</u>	<u>Explanation and/or Comments</u>
Mount Hope Traffic Study	100-1010-0040	\$12,600	Frederick P. Clark Assoc. (RFP 12/16/09)

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Resolution

Offered by: Councilman DiCarlo
Seconded by: Councilman Lombardi

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

Supervisor Schmitt stated that Councilman Ravallo has asked him to convey for the record that if he was present at the meeting, he would be voting against the foregoing resolution for various reasons presented during past discussions.

Supervisor Schmitt, Councilman Lombardi and Councilwoman McDonough went on to speak in favor of the traffic study.

APPOINTMENT MADE TO BOARD OF ETHICS - GIULIO V. CEFALONI

RESOLVED that the Town Board of the Town of Carmel hereby appoints Giulio V. Cefaloni to the Town of Carmel Board of Ethics, effective immediately.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman DiCarlo

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

Supervisor Schmitt stated that Giulio Cefaloni will be replacing Christopher O'Toole, who has resigned from the Board of Ethics. He spoke regarding Mr. Cefaloni's extensive community involvement and civic experience.

BID AWARDED FOR CARMEL SEWER DISTRICT #7 WASTEWATER TREATMENT PLANT REGULATORY UPGRADE - GENERAL CONSTRUCTION CONTRACT #C-203-A - ROK-BUILT CONSTRUCTION - \$2,313,000.00

WHEREAS the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #7 has previously authorized the solicitation of bids for the Carmel Sewer District #7 Wastewater Treatment Plant Regulatory Upgrade Contracts, including the general construction contract #C-203-A; and

WHEREAS, the aforementioned bids were duly opened on January 27, 2009 ; and

WHEREAS, the general construction contract was duly awarded by Resolution of the Town Board dated May 20, 2009 to CA Philips Construction Corp., the low responsible bidder who met specifications; and

WHEREAS on or about December 2, 2009 CA Philips Construction Corp. notified the Town of Carmel that they were unable to honor their bid and undertake the general construction contract; and

WHEREAS the New York City Department of Environmental Protection (NYCDEP) and the New York State Environmental Facilities Corporation (NYSEFC) have notified the Town that it is now authorized to proceed to award the general

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construction contract #C-203-A for the CSD #7 WWTP Regulatory Upgrade Project to the second low bidder Rok-Built Construction;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, acting as the Commissioners of Carmel Sewer District #7, hereby awards the general contract #C-203-A for the CSD#7 WWTP Regulatory Upgrade Project to Rok-Built Construction, Yorktown Heights, NY, the second-low bidder who met specifications at a bid price of \$2,313,000.00; and

BE IT FURTHER RESOLVED that the Town Board hereby authorizes John Karell, Jr., Engineering Consultant to send a "Notice of Award" to Rok-Built Construction, in accordance with authorization received from the New York State Department of Environmental Protection and the New York State Environmental Facilities Corporation.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Ravallo	<u> </u>	<u> </u>	Absent
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>	

A comprehensive explanation of the foregoing resolution was provided by Gregory Folchetti.

PROPOSAL ACCEPTED FOR WATER DISTRICT OPERATIONS AND MAINTENANCE SERVICES - BEE & JAY PLUMBING & HEATING CORP. - 2011 THROUGH 2015

WHEREAS the Town Board of the Town of Carmel has received a proposal from Bee & Jay Plumbing & Heating Corp., Mahopac, NY, concerning the provision of operation and maintenance services for Carmel Water Districts #1, #5, #6, #7, #8, #9, #10, #13 and #14 for the years 2011 through 2015;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Water Districts #1, #5, #6, #7, #8, #9, #10, #13 and #14 hereby accepts the proposal of Bee & Jay Plumbing & Heating Corp., Mahopac, NY for the provision of the aforesaid operation and maintenance services for the years 2011 through 2015 at the following aggregate costs:

- 2011 – \$230,484.00;
- 2012 – \$230,484.00;
- 2013 – \$230,484.00;
- 2014 – \$238,521.00;
- 2015 – \$246,864.00.

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 contract documents to accept said proposal.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

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

Supervisor Schmitt spoke regarding the qualifications of Bee & Jay Plumbing & Heating Corp., their history of service with Town of Carmel and their proposal.

Councilman Lombardi, Councilwoman McDonough and Councilman DiCarlo expressed their support of Bee & Jay Plumbing & Heating Corp. and thanked them for their continued service.

CARMEL SEWER DISTRICT #2 - AMENDMENT TO REGULATORY UPGRADE CONTRACT WITH NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION AUTHORIZED

RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #2, hereby authorizes the entry in to an agreement with New York State Environmental Facilities Corporation amending the Regulatory Upgrade Contract for Carmel Sewer District #2 Wastewater Treatment Plant dated May 1, 1998, as previously amended May 9, 2005 and September 4, 2007, to reflect an amended total contract amount of \$7,845,015.00, and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute the aforementioned agreement and any and all other documentation required pursuant to said contract amendment.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman DiCarlo

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

CARMEL SEWER DISTRICT #4 - AMENDMENT TO REGULATORY UPGRADE CONTRACT WITH NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION AUTHORIZED

RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #4, hereby authorizes the entry in to an agreement with New York State Environmental Facilities Corporation amending the Regulatory Upgrade Contract for Carmel Sewer District #4 Wastewater Treatment Plant dated May 1, 1998, as previously amended April 22, 2004, May 9, 2005 and November 3, 2009, to reflect an amended total contract amount of \$5,129,899.00, and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute the aforementioned agreement and any and all other documentation required pursuant to said contract amendment.

Resolution

Offered by: Councilman DiCarlo
Seconded by: Councilman Lombardi

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

PUBLIC COMMENTS

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

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman DiCarlo, seconded by Councilman Lombardi, with all members present in agreement, the meeting was adjourned at 7:44 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Garris, Town Clerk