

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 19th day of June at 7:30 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Schneider, Councilwoman McDonough, Councilman Lombardi and Supervisor Schmitt. Councilman Lupinacci arrived at 7:35 p.m.

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.

Councilman Lombardi asked that Sean, a ten year old who recently underwent surgery for a brain tumor, be remembered in everyone's thoughts and prayers.

Supervisor Schmitt noted that Councilman Lupinacci was in route to the meeting and was expected shortly.

**MINUTES OF TOWN BOARD MEETING HELD ON MAY 1, 2013 AND MAY 15, 2013
- ACCEPT AS SUBMITTED BY THE TOWN CLERK**

On motion by Councilman Lombardi, seconded by Councilwoman McDonough, with all members of the Town Board present voting "aye", the minutes of the Town Board meetings held on May 1, 2013 and May 15, 2013 were accepted as submitted by the Town Clerk.

**SOUND AMPLIFICATION PERMIT FEE REGARDING APPLICATION OF ST. JAMES
THE APOSTLE CHURCH FOR ANNUAL FEAST ON JULY 17-20, 2013 - WAIVED**

RESOLVED that the Town Board of the Town of Carmel hereby waives the sound amplification permit fee regarding the application of the St James the Apostle Church for its annual Feast event commencing July 17, 2013 and concluding July 20, 2013.

Resolution
Offered by: Councilman Schneider
Seconded by: Councilman Lombardi

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

**POLICE DEPARTMENT - APPLICATION FOR TUITION REIMBURSEMENT OF LT.
BRIAN KARST - APPROVED**

RESOLVED that the Town Board of the Town of Carmel hereby approves the application for tuition reimbursement of Town of Carmel Police Lt. Brian Karst dated May 31, 2013, for the Spring 2013 Academic Term at CUNY John Jay College and authorizes payment of \$2,320.18 to Lt. Karst.

Resolution
Offered by: Councilman Lombardi
Seconded by: Councilman Schneider

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

ENGINEERING - REQUEST FOR PROPOSALS FOR INSTALLATION AND CONSTRUCTION OF ELECTRICAL IMPROVEMENTS AND UPGRADES - MAHOPAC CHAMBER PARK - AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel, hereby authorizes Town Engineer Ronald J. Gainer, P.E., request proposals for the installation and construction of electrical improvements and upgrades proposed at Mahopac Chamber Park as generally described in the memorandum of Director of Recreation and Parks James R. Gilchrist dated May 2013.

Resolution
Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

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

RECREATION AND PARKS - SIGN INSTALLATION IN CONNECTION WITH EAGLE SCOUT PROJECT OF LIAM MULLINS, BSA TROOP #271, AT AIRPORT PARK - AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel, in connection with the proposed Eagle Scout project of Liam Mullins of Boy Scouts of America, Scout Troop 271, hereby authorizes the installation a two-sided sign at Airport Park in accordance with plans provided by Director of Recreation and Parks James R. Gilchrist dated May 28, 2013; and

BE IT FURTHER RESOLVED, that upon presentation of insurance certificates in form acceptable to Town Counsel, the aforesaid work may be commenced.

Resolution
Offered by: Councilman Schneider
Seconded by: Councilman Lombardi

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

SIGNING OF INTERMUNICIPAL AGREEMENT BETWEEN THE CARMEL CENTRAL SCHOOL DISTRICT AND THE TOWN OF CARMEL FOR USE OF ATHLETIC FIELDS - TABLED

WHEREAS James R. Gilchrist, Director of the Town of Carmel Recreation and Parks has requested that the Town Board authorize the signing of an Intermunicipal agreement between the Carmel Central School District and the Town of Carmel providing for use by the Town of Carmel of certain athletic fields belonging to the Carmel Central School District;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the Town Supervisor to sign on behalf of the Town of Carmel, the Intermunicipal Agreement between the Carmel Central School District and the Town of Carmel in regard to the foregoing in the form as attached hereto and made a part hereof, and

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

MOTION TO TABLE

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>

Councilman Lombardi explained the reason they tabled the resolution was because there was one item that needed to be clarified in the agreement.

BUILDING DEPARTMENT – DIRECTED TO REUNDERTAKE TO PERFORM NATURAL GAS AND LIQUID PROPANE GAS INSPECTIONS AND AMENDING 2013 USER FEE SCHEDULE

WHEREAS, the Town of Carmel and its Building Department are duly authorized and permitted under the provisions of the New York State Uniform Fire Prevention and Building Code to perform natural gas and liquid propane gas inspections within the Town of Carmel; and

WHEREAS, the Town of Carmel Town Board previously had duly delegated the authority and responsibility for such inspections to the County of Putnam by authorizing resolution dated November 4, 1998; and

WHEREAS, the Town Board has been advised that the County of Putnam is presently unable to perform inspections; and

WHEREAS, Town of Carmel Building Inspector/Director of Codes Enforcement Michael G. Carnazza has advised the Town Board that such natural gas and liquid propane gas inspections are presently being requested of his department;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby directs that pending further determination, authorization, delegation or agreement, the Town of Carmel Building Department shall re-undertake to perform such natural gas and liquid propane gas inspections within the Town of Carmel; and

BE IT FURTHER RESOLVED, that the 2013 User Fee Schedule is hereby amended effective retroactive to May 15, 2013 to include a fee in the amount of \$50 for Residential and \$100 for Commercial and Industrial, for natural gas inspections as well liquid propane gas inspections performed by Town of Carmel personnel.

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

SUPPLEMENT AGREEMENTS WITH COMMERCIAL INSTRUMENTS & ALARM SYSTEMS, INC. DATED MAY 9, 2013 AND JUNE 3, 2013 FOR THE UPGRADE AND RENTAL OF VIDEO SURVEILLANCE EQUIPMENT FOR THE CARMELTOWN HALL - AUTHORIZED

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the supplemental agreements with Commercial Instruments & Alarm Systems, Inc., of Fishkill, NY dated May 9, 2013 and June 3, 2013 for the upgrade and rental of video surveillance equipment for the Town of Carmel Town Hall with an installation fee not to exceed \$8,544.00 and a monthly rate of \$632.35 as reflected in the aforesaid proposal; and

BE IT FURTHER RESOLVED, that Town Supervisor Kenneth Schmitt is hereby authorized and directed to execute the foregoing contract as well as any and all other necessary documentation required in connection therewith.

Resolution

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

HIGHWAY DEPARTMENT - ISSUANCE OF \$400,000 BONDS OF THE TOWN OF CARMEL FOR THE PURCHASE OF CERTAIN TRUCKS AND EQUIPMENT-OFFERED AS PRE-FILED - SUBJECT TO PERMISSIVE REFERENDUM

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, with the proposed action being a Type II action requiring no further review, have been performed; and

WHEREAS, it is now desired to authorize such capital project and its financing;
NOW, THEREFORE,

BE IT RESOLVED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. The purchase of certain trucks and equipment for the Highway Department, in and for the Town of Carmel, Putnam County, New York, each item of which is \$30,000 or over, including incidental equipment and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$400,000, subject to permissive referendum.

Section 2. It is hereby determined that the plan for the financing thereof is by the issuance of \$400,000 bonds of said Town is hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

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Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. This resolution is adopted subject to permissive referendum.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilman Lombardi

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

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Prior to the roll call vote Supervisor Schmitt noted that he had previously discussed his thoughts regarding the purchasing of highway trucks. He stated that the Highway Department and the Highway Superintendent, Michael Simone, do an excellent job but that he does not feel that a new ten wheeler truck would be the best purchasing option. He explained that he felt that purchasing a new six wheeler and a new loader would be better and then a used ten wheeler could be purchased with the balance of the funds. Supervisor Schmitt suggested that we would then be able to get more for our money.

Michael Simone, Highway Superintendent, responded that this was the first he was hearing of Supervisor Schmitt's opinion regarding the purchasing. He further stated that he felt he knows best what is needed for the Highway Department and indicated a reluctance to get involved in the used truck business.

Further discussion ensued regarding the best options for the Town of Carmel.

Mr. Simone stated that if they now tabled the bonding resolution he would have to do more research and probably wouldn't be able to get any trucks until spring and the price would most likely go up.

Councilman Schneider said they could pass the bonding resolution and then decide on how to spend the money.

Councilman Lupinacci explained the bonding process indicating that the Town Board must approve the financing but it is up to the Highway Superintendent on how to spend it.

Gregory Folchetti, Legal Counsel, confirmed Councilman Lupinacci's explanation.

Councilman Lupinacci inquired about the funding for a project involving lifts that had been previously discussed.

Gregory Folchetti, Legal Counsel, noted that the funding for the project would be done separately.

Supervisor Schmitt stated that he doesn't want anyone to think that he is opposing the Highway Department or the Highway Superintendent. He pointed out that they sometimes disagree but they get along and he respects Mr. Simone's opinion.

Mr. Simone pointed out that they are beginning this process late as it is usually done in March and he has concerns regarding the timing.

Supervisor Schmitt asked Mr. Simone to take the time to do the research on the used trucks and use due diligence regarding the purchases.

Mr. Simone agreed to research the used trucks that are available but said he must do it quickly and get the bidding process started.

After the roll call vote Councilman Lombardi noted that the Highway Department is not hiring and that using a ten wheeler requires less manpower to plow the roads.

PUBLIC COMMENTS - AGENDA ITEMS

Judy Ravnitzky, Mahopac resident, spoke regarding the Highway Department equipment and the recent severe weather patterns affecting this area. She noted the need to keep our roads clear and the residents safe. She inquired as to what the life expectancy of the new vs. used trucks might be.

Michael Simone responded that new trucks usually last approximately 17-20 years but it would be hard to say what the life expectancy of a used vehicle would be without more information.

Mrs. Ravnitzky asked if the cost savings would be worth it when comparing new and used equipment.

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Supervisor Schmitt responded that there are a lot of variables but from what he saw there appeared to be used equipment out there that is in good shape.

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

No member of the Town Board wished to comment at this time.

OPEN FORUM - PUBLIC COMMENTS

John Malloy, Mahopac resident, brought up the issue of the school budget saying that the schools are the most important factor in attracting new residents. He went on to talk about the recent layoff of teachers and the election of the school board members. He suggested a citizens committee to identify, recruit and promote candidates for the school board.

Supervisor Schmitt reminded him that comments should be related to town business.

Mr. Malloy stated that he was looking for support from the Town Board.

OPEN FORUM – TOWN BOARD COMMENTS

Supervisor Schmitt announced the first concert in the Sunset Concert Series would be held on Thursday, June 20, 2013 at 7:00 p.m. at the Mahopac Chamber Park.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Lombardi, with all members present and in agreement, the meeting was adjourned at 8:15 p.m. to Executive Session to be addressed by Putnam County Sheriff Donald Smith regarding Patrol/Public Safety matters in the Town of Carmel.

Respectfully submitted,

Phyllis Bourges, Deputy Town Clerk