

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 2nd day of November 2016 at 7:09 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.

PUBLIC HEARING HELD REGARDING THE PRELIMINARY BUDGET FOR FISCAL YEAR 2017

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

<div style="text-align: center;"><u>LEGAL NOTICE</u></div> <p>NOTICE OF PUBLIC HEARING TOWN OF CARMEL PRELIMINARY BUDGET NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing on the 2nd day of November, 2016 at Town Hall, 60 McAlpin Avenue, Mahopac, New York, at 7:00 p.m. or as soon thereafter that evening as possible in regard to the Preliminary Budget for the fiscal year 2017 including the General Town Fund, Highway Funds as well as all Water Districts, Sewer Districts, Park Districts, Fire Protection Districts, Garbage District and Lighting Districts, and BE IT FURTHER NOTICED that pursuant to Section 108 of the Town Law, the proposed salaries of the following officials for fiscal year 2017 are hereby specified as follows: Supervisor: \$112,854.56; Town Council</p>	<p>Members (ea): \$20,438.76; Town Clerk \$88,602.80; and Highway Superintendent \$117,934.96; AND BE IT FURTHER NOTICED, that the Preliminary Budget for the Town of Carmel has been completed and filed in the Office of the Town Clerk, Town Hall, 60 McAlpin Avenue, Mahopac, New York, where it is available for public inspection during office hours. At said Public Hearing, any resident may be heard in favor of or against the Preliminary Budget as compiled or for or against any item or items contained therein. 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. By Order of the Town Board of the Town of Carmel Ann Spofford, Town Clerk</p>
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With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:12 p.m. Sixteen (16) people were in attendance.

John Butler stated that he has been reviewing and sometimes commenting on Town budgets since moving to Carmel in 1984. He described the process as the more things change, the more they stay the same. Mr. Butler stated that similar to the national movement of political revolt, the residents of Carmel need and deserve a fundamental change in governance, specifically relating to the administration of Town affairs. He stated that his context was based on the 2012 New York State Comptroller’s Office audit that criticized the Town’s management of Carmel Water District #2, the 2015 New York State Comptroller’s Office audit that criticized the lack of purchasing procedures for certain departments as well as the embezzlement of \$5 million of taxpayer money from the Mahopac Volunteer Fire Department.

Mr. Butler went on to recommend that the Town convert to zero-based budgeting, which would require that all expenses be justified, not simply estimated based on a prior year’s budget. Mr. Butler commented that the provision of health insurance benefits for the Town Board budgeted for 2017 in excess of \$100,000.00 is an unfunded mandate and challenged the members to eliminate the expenditure. Mr. Butler commented that the salaries of senior elected officials have been increasing and that based on his calculations, the Supervisor’s salary alone has increased 16% since 2013.

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Mr. Butler went on to propose that a new form of administrative government be implemented in the Town of Carmel. He explained the concept of a council-manager government system and commented that if done correctly there will be nominal to no additional costs to the taxpayers due to the new efficiencies brought to the administration of the Town which will not only be beneficial to taxpayers but to the staff in every department. He challenged the Town Board to introduce the process of considering this change.

Supervisor Schmitt contended that there were inaccuracies in Mr. Butler’s comments. He pointed out that Mr. Butler failed to mention that when the Town was experiencing the most difficult of economic times, he voluntarily reduced his salary by 4%, and that the Town has taken action to remedy the issues brought forth in the audits. Discussion was held.

Michael Barile stated in regard to the comment that the Supervisor’s salary has increased 16% that Mr. Butler did not factor in that Supervisor Schmitt reduced his salary by \$5,000.00 for four years. He noted that taking this into effect would result in the Supervisor’s salary increase averaging only 2% per year.

Mr. Barile went on to comment that some people that should be awarded raises did not, while others who did not deserve a raise did. He commented that it was an insult to the taxpayers for the council members to increase their salaries by a couple of hundred dollars when their salaries along with their health insurance benefits, even with a 15% contribution, equates to about \$900.00 per week. Mr. Barile concluded that a limit of two terms or eight years should be imposed for council members.

With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:28 p.m.

PUBLIC HEARING HELD - 2017 CONTRACTS FOR FIRE PROTECTION AND AMBULANCE SERVICES

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 will conduct a Public Hearing on the Fire Protection Contracts and the Ambulance District Contracts for the year 2017, to be held on the 2nd day of November, 2016 at the Town Hall, 60 McAlpin Avenue, Mahopac, New York at 7:00 p.m. or soon thereafter that evening as possible; said contracts to be advertised and posted as follows:	
Contractor Mahopac Falls Volunteer Fire Department, Inc.	Services Fire Protection-Fire Protection Dist. #3
	Not to Exceed \$707,000.00
	Contractor Carmel Volunteer Ambulance Corps
	Services Ambulance Services-Carmel Ambulance District #1
	Not to Exceed \$110,000.00
	Contractor North Salem Volunteer Ambulance Corps
	Services Ambulance Services-Carmel Ambulance District #1
	Not to Exceed \$12,800.00
At said Public Hearing, all interested persons shall be heard on the subject 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.	
By Order of the Town Board of the Town of Carmel Ann Spofford, Town Clerk	
Contractor Mahopac Volunteer Fire Department, Inc.	
	Services Fire Protection-Fire Protection Dist. #2
	Not to Exceed \$1,200,000.00
Contractor Carmel Volunteer Fire Dept.	

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With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:30 p.m. Sixteen (16) 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 Lupinacci, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:30 p.m.

MINUTES OF TOWN BOARD MEETING HELD ON 10/19/16 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meeting held on October 19th 2016 were accepted as submitted by the Town Clerk.

MAHOPAC VOLUNTEER FIRE DEPARTMENT - ADDITIONS TO THE ACTIVE LIST AUTHORIZED

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

Timothy Stasiak;
Gerard Supple, III;
Russell Argila, Jr.

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>

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

BUILDING INSPECTOR / DIRECTOR OF CODES ENFORCEMENT MICHAEL CARNAZZA - ATTENDANCE AT SEMINAR AUTHORIZED - 11/2/16 THROUGH 11/4/16

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town of Carmel Building Inspector and Director of Codes Enforcement Michael Carnazza to attend the Tri-County New York State Board of Commissioners three day training conference on November 2nd , 2016 through November 4th , 2016 in Kingston, NY ; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel authorizes payment of reasonable and necessary expenses incurred in connection therewith upon audit.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

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<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>

POLICE DEPARTMENT - ACCEPTANCE OF PROPOSAL FOR RECORDING EQUIPMENT UPGRADES AUTHORIZED - INTERACTION INSIGHT CORPORATION - NOT TO EXCEED \$6,776.00, ANNUAL SUM FOR MAINTENANCE AND SUPPORT AUTHORIZED - \$1,894.00, PURCHASE OF EXISTING RECORDING EQUIPMENT AUTHORIZED FROM FLEETWOOD LEASING - NOT TO EXCEED \$6,645.60

RESOLVED that the Town Board of the Town of Carmel, in connection with the previously authorized telephone system installation for the Town of Carmel Town Hall, Highway Department and Recreation and Parks facilities, hereby authorizes the acceptance of the proposal of Interaction Insight Corporation for upgrade of police department recording equipment dated October 14, 2016 in an amount not to exceed \$6,776.00; and

BE IT FURTHER RESOLVED that the annual sum of \$1,894.00 is hereby authorized for maintenance and support of such upgraded recording equipment; and

BE IT FURTHER RESOLVED, that the Town Board further authorizes the purchase of the existing recording equipment subject to the upgrade process referenced herein from Fleetwood Leasing, Summit, NJ at a cost not to exceed \$6,645.60; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to accept the proposal and authorize the actions contained herein.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilman Schneider

<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>

EXECUTION OF GRANT COMMITMENT AUTHORIZED - LOCAL INITIATIVE SUPPORT CORPORATION (LISC) - \$100,000.00

WHEREAS, the Town of Carmel has been notified that the Local Initiatives Support Corporation has extended a grant in the amount of \$100,000.00 to the Town for the purposes of Housing Quality Improvement and Enforcement Programs; and

WHEREAS, the terms of said grant require the execution of a certain commitment by an authorized Town of Carmel official;

NOW THEREFORE BE IT RESOLVED, that Town Supervisor Kenneth Schmitt is hereby authorized to sign the referenced Grant Commitment for purposes of accepting said grant on the terms authorized therein, a copy of said Commitment is on file in the Office of the Town Supervisor.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

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<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 explained that the grant funds will go towards remediation and cleanup of zombie properties within the Town and that Director of Code Enforcement/Building Inspector Michael Carnazza will be overseeing the process.

CARMEL FIRE PROTECTION DISTRICT #2 - USE OF TOWN PROPERTY FOR MAHOPAC VOLUNTEER FIRE DEPARTMENT TRAINING DRILLS AUTHORIZED

RESOLVED, the Town of Carmel hereby authorizes the use by the Mahopac Volunteer Fire Department of the property located on 48 McAlpin Avenue for the purposes of conducting Fire Department Training drills and exercises; and

BE IT FURTHER RESOLVED that such authorization is conditioned upon the presentation and existence of liability insurance coverage in form and content acceptable to Town Counsel.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilman Lupinacci and Councilwoman McDonough

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

Supervisor Schmitt acknowledged Highway Superintendent Michael Simone and his staff for demolishing the building and excavating the site, thereby saving taxpayer dollars.

BOARD OF ASSESSMENT REVIEW APPOINTMENT MADE - KEVIN MORRIS - RETROACTIVE TO 10/1/16 AND EXPIRING 9/30/21

RESOLVED that the Town Board of the Town of Carmel hereby appoints Kevin Morris to the Town of Carmel Board of Assessment Review for a term commencing retroactive to October 1, 2016 and expiring September 30, 2021.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

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

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**BOARD OF ASSESSMENT REVIEW APPOINTMENT MADE - ELLEN DULBERGER
- COMMENCING 11/2/16 AND EXPIRING 9/30/19**

RESOLVED that the Town Board of the Town of Carmel hereby appoints Ellen Dulberger to the Town of Carmel Board of Assessment Review for a term commencing immediately and expiring September 30, 2019.

Resolution
Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

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

Supervisor Schmitt explained that the Board of Assessment Review convenes in May of each year to hear grievances brought forth by property owners in connection with their assessments.

**HIGHWAY DEPARTMENT MATERIALS - SAND BIDS REJECTED AND RE-
ADVERTISING FOR BIDS AUTHORIZED**

RESOLVED that, pursuant to the request of Michael Simone, Town of Carmel Highway Superintendent, the Town Board of the Town of Carmel hereby rejects all bids previously received for highway department materials and hereby authorizes Town Clerk Ann Spofford to re-advertise for bids for the purchase of the following items:

- Sand

BE IT FURTHER RESOLVED that the Highway Superintendent is to furnish detailed specifications for the above to the Town Clerk to be used in conjunction with the Town's general bid conditions and specifications.

Resolution
Offered by: Councilwoman McDonough
Seconded by: Councilman Lupinacci

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

**DONATION OF VACATION AND/OR SICK TIME TO EMPLOYEE #2411 -
ACCEPTED AND APPROVED**

RESOLVED, that the Town Board of the Town of Carmel hereby accepts and approves the donation of accrued sick time and/or vacation time to Employee #2411 from the following Town of Carmel Employees:

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EMPLOYEE I.D. #	TIME DONATED
1699	1 Day
1500	2 Days
1503	4 Days
1366	2 Days
1507	2 Days
2997	2 Days
1765	1 Day
2996	2 Days

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

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

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.

PUBLIC COMMENTS - OPEN FORUM

Frank Del Campo, addressed last week’s Planning Board agenda with regard to the Baldwin Subdivision in which the applicant is seeking approval for a lot line adjustment to reconfigure the commercial lots to accommodate their future improvements, while merging the remaining acreage to the parcel to the west in consideration of future development plans, as well as the Town Board’s recent referral to the Planning Board for review, comment and/or recommendation, the draft of proposed local law of 2016 regarding multi-family dwellings.

Mr. Del Campo, former Town Supervisor, stated that when updating the Town of Carmel’s Master Plan in 2001, this property now referred to as the Union Place project, was zoned commercial and that it was never the intent for this property to be the site of 150-250 homes. He commented that if there is a contradiction with regard to the Town Code that must be remedied for fear of possible litigation, it can be done so without giving the developer a back door to the property. Mr. Del Campo stated that he is available to offer additional insight to the Town Board with regard to the matter, and concluded that there are hundreds and hundreds of people throughout the Town that do not want residential development there.

George Jones, on behalf of the Mahopac Volunteer Fire Department, thanked the Town Board for allowing them the opportunity to conduct training drills and exercises at the Othmer House property.

Michael Barile addressed the Town Board’s referral of the draft of proposed local law regarding multi-family dwellings to the Planning Board. Mr. Barile stated that the matter seems to be moving at a fast pace and should not be moving at all because it does not benefit the taxpayers. He further stated that it benefits one or two people who do not live in this community.

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In addition to opposing the proposed change regarding multi-family housing, Mr. Barile expressed his opposition to the proposed zoning change to raise the current building height restriction from 35 to 40 feet, and possibly the requirement for sewer and water.

Mr. Barile referenced Mr. Del Campo's earlier comments with regard to the Baldwin Subdivision. He suggested that the applicant was granted a fully conforming two lot subdivision six months ago by the Planning Board, is now seeking approval from the Zoning Board to be a nonconforming subdivision for the purpose of creating a back door to Union Place. Mr. Barile expressed his frustration that the Planning Board is sending this to the Zoning Board, commenting that it does not meet the criteria for a zoning interpretation.

Mr. Barile asked why the Town Board referred the proposed zoning amendment to the Planning Board.

Gregory Folchetti, Legal Counsel, stated that the Town Board referred the proposed local law to the Planning Board because it is a requirement in the Town Code. Any amendments to Chapter 156, Zoning, must be referred to the Planning Board for comment for up to a 45 day period before the Town Board can consider further action on in.

Mr. Barile inquired whose idea it was to add multi-family housing zoning.

Councilman Lupinacci explained that the Town of Carmel's Planning Consultant Pat Cleary advised the Town Board that he views it as problematic because other than for senior citizens, the Town Code does not allow multi-family housing. Councilman Lupinacci explained that since it could expose the Town to litigation, the Town Board was exercising their due diligence. Discussion ensued regarding the matter.

Bob Buckley commented that it was his understanding that there are no plans for the Union Place project at this time. Mr. Buckley then spoke against the earlier recommendation to consider a council-manager form of government and commented that a system which includes a city manager takes away from the hands of those elected to do the job. Mr. Buckley commented that an elected official should not be a volunteer position and that the salary provided to them is minimal given the considerable amount of hours devoted to their service. He concluded by expressing his support of the Mahopac Volunteer Fire Department.

TOWN BOARD MEMBER COMMENTS - OPEN FORUM

Supervisor Schmitt announced that the Town of Carmel's recycling container for the disposal of electronic waste has been relocated to the site of the former Grange Hall, directly across from the Town of Carmel Historical Society Building on McAlpin Avenue. Hours of operation remain from 10:00 a.m. to 2:00 p.m. on Saturdays. Supervisor Schmitt urged residents to refrain from dropping off items outside normal business hours.

Councilman Lombardi announced that the Town of Carmel's joint Thanksgiving food drive with the Mahopac Middle School continues. Donations will be accepted at the Town Hall and other locations.

Councilwoman McDonough spoke regarding the wonderful time that she had at both the Mahopac Volunteer Fire Department's recent open house and the Department of Recreation and Park's annual Harvestfest at Sycamore Park.

Supervisor Schmitt commended Director of Recreation and Parks Jim Gilchrist and his staff for their outstanding efforts in connection with the Harvestfest event. He then went on to comment on the Hamlet of Carmel Civic Association's charming Halloween parade.

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Supervisor Schmitt reminded residents to turn their clocks back one hour on November 6, 2016, as well as to check the batteries in their smoke detectors and carbon monoxide alarms.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilwoman McDonough and Councilman Lupinacci, with all Town Board members present and in agreement, the meeting was adjourned at 8:09 p.m. to Executive Session with Highway Superintendent Michael Simone with regard to personnel in connection with the fiscal year 2017 Budget as well as with Police Chief Michael Cazzari with regard to personnel in connection with the fiscal year 2017 Budget.

Respectfully submitted,

Ann Spofford, Town Clerk