

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 18th day of January 2017 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 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.

MINUTES OF TOWN BOARD MEETING HELD ON 12/21/16 - 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 December 21, 2016 were accepted as submitted by the Town Clerk.

RESOLUTION FROM 1/4/17 AMENDED - INTERIM WETLANDS INSPECTOR FOR 2017 APPOINTED - RICHARD FRANZETTI, PE

RESOLVED that the Town Board of the Town of Carmel hereby reappoints Richard Franzetti, PE as Interim Wetlands Inspector for the year 2017 at a stipend to be determined by the Town Board.

Resolution
Offered by: Councilman Schneider
Seconded by: Councilman Lupinacci

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

HIGHWAY DEPARTMENT - WASHED SAND BID AWARD AUTHORIZED - RED WING PROPERTIES

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for the supply of washed sand to the Town of Carmel Highway Department for 2017; and

WHEREAS such bids were received and opened on December 28, 2016, and

NOW THEREFORE BE IT RESOLVED that upon the recommendation of Michael Simone, Town of Carmel Highway Superintendent, to award the bid to Red Wing Properties, Stormville, NY, the low responsible bidder meeting specifications at a cost of \$15.50 per ton F.O.B. and \$20.50 per ton delivered;

BE IT FURTHER RESOLVED that Kenneth Schmitt, Town Supervisor is hereby authorized to execute any other and further documentation necessary to accept such bid and contract for said services.

Resolution
Offered by: Councilman Lombardi
Seconded by: Councilman Lupinacci

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

18 JANUARY 2017
TOWN BOARD MEETING

**FIRE PROTECTION DISTRICTS AND AMBULANCE DISTRICTS - PROPOSAL
ACCEPTED FOR SPECIAL COUNSEL SERVICES - PINSKY LAW GROUP**

RESOLVED THAT the Town Board of the Town of Carmel, hereby accepts the proposal of the Pinsky Law Group, Syracuse, NY for the provision of special counsel and legal services in connection with the Town of Carmel and its contracts with various Not-for-Profit contractors, said proposal to be in form as is currently on file in the Office of the Town Supervisor, and at an aggregate annual rate not to exceed \$20,000 (Twenty Thousand Dollars); and

BE IT FURTHER RESOLVED, that the cost of said services shall be apportioned accordingly to the Fire Protection Districts, Ambulance Districts, etc. for which said services shall be provided; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt is hereby authorized to execute any and all necessary contract documentation to effect acceptance of these proposals upon the terms authorized herein.

Resolution

Offered by: Councilman Lupinacci

Seconded by: Councilman Lombardi

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

**DORMITORY AUTHORITY OF THE STATE OF NEW YORK (“DASNY”) STATE AND
MUNICIPAL FACILITIES CAPITAL PROGRAM (“SAM”) GRANT PROGRAM -
EXECUTION OF STATE ENVIRONMENTAL QUALITY REVIEW DETERMINATION
AUTHORIZED**

Resolved, that upon the recommendation and determination of Town Engineer Richard J. Franzetti, P.E., Town Supervisor Kenneth Schmitt is hereby authorized to execute the State Environmental Quality Review Type II Action determination with respect to the Dormitory Authority of the State of New York (“DASNY”) State and Municipal Facilities Capital Program (“SAM”) Grant Program, said determination to be in form and content as currently on file in the Office of the Town Supervisor.

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>

**RECREATION AND PARKS ADVISORY COMMITTEE APPOINTMENT MADE -
DAVID FURFARO - RETROACTIVE TO 1/1/2017 THROUGH 12/31/19**

RESOLVED that the Town Board of the Town of Carmel hereby re-appoints David Furfaro to the Town of Carmel Recreation and Parks Advisory Committee for a term retroactive to January 1, 2017 and expiring December 31, 2019.

Resolution

Offered by: Councilman Schneider

Seconded by: Councilman Lupinacci and Councilman Lombardi

18 JANUARY 2017
TOWN BOARD MEETING

(Cont.)

<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>

RECREATION AND PARKS ADVISORY COMMITTEE APPOINTMENT MADE - JOYCE PICONE - RETROACTIVE TO 1/1/2017 THROUGH 12/31/19

RESOLVED that the Town Board of the Town of Carmel hereby re-appoints Joyce Picone to the Town of Carmel Recreation and Parks Advisory Committee for a term retroactive to January 1, 2017 and expiring December 31, 2019.

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>

IMPROVEMENTS TO SYCAMORE PARK MAIN BUILDING - PROPOSAL ACCEPTED - MICHAEL LEUZZI PAINTING - NOT TO EXCEED \$6,200.00

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Director of Recreation and Parks James Gilchrist, hereby authorizes the acceptance of the proposal of Michael Leuzzi Painting, Mahopac, NY to perform the improvements to the Sycamore Park main building as specified in the memorandum to the Town Board on January 6, 2017 at a cost not to exceed \$6,200.00;

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt is hereby authorized to execute any and all necessary contract documentation to effect acceptance of this proposal.

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>

BOND RELEASE AUTHORIZED - TM #87.7-1-7 - WILLOW WOOD GUN CLUB

WHEREAS application has been made by Willow Wood Gun Club c/o Country Logging Complete Forest Management for the total release of a bond posted in accordance with the Freshwater Wetlands Law of the Town of Carmel for Tax Map #87.7-1-7, 551 Union Valley Road, Mahopac, NY; and

18 JANUARY 2017
TOWN BOARD MEETING

(Cont.)

WHEREAS said application has been reviewed by the Town Engineer, Richard J. Franzetti, P.E. and release of the bond has been recommended and approved by the Town Engineer, and the Town of Carmel Environmental Conservation Board,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the bond posted for Tax Map #87.7-1-7, Walden Savings Bank Check # 100083103 in the amount of \$10,000.00.

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>

RESOLUTION AUTHORIZING SUBSTITUTION OF COLLATERAL IN CONNECTION WITH TOWER/STRUCTURE REMOVAL BOND - TM #76.5-1-5 - NEXTEL TOWER - TABLED

WHEREAS a Tower/Structure removal bond in the amount of \$30,000 was previously posted by Nextel of New York in accordance with the Land Subdivision and/or Zoning Regulations for Tax Map #76.5-1-5 with respect to the Nextel Tower at 55 McAlpin Avenue, Mahopac, NY; and

WHEREAS Nextel of New York has submitted a new Tower/Structure removal bond in the amount of \$30,000 issued by Travelers Casualty and Surety Company, (bond No. BLB8869942) in form and content which has been approved by the Planning Board attorney; and

WHEREAS Nextel of New York has requested that the referenced Travelers Casualty and Surety Company Bond BLB8869942 be substituted as collateral for the prior bond previously posted by Nextel of New York; and

WHEREAS the Planning Board of the Town of Carmel has approved the proposed substitution;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the substitution of the Travelers Casualty and Surety Company Bond BLB8869942 in the amount of \$30,000 as collateral by Nextel of New York; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the previous bond designated as Travelers Casualty and Surety Company Bond # 104728133 which was previously posted by Nextel of New York for the referenced site; and

BE IT FURTHER RESOLVED that substitution of collateral shall be deemed complete upon the filing of said Travelers Casualty and Surety Company Bond BLB8869942 in the office of the Town Clerk Ann Spofford.

MOTION TO TABLE

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>

(Cont.)

Supervisor Schmitt stated that the matter is being tabled based upon the recommendation of Legal Counsel.

Gregory Folchetti, Legal Counsel indicated that the issue relates to the actual bond posted and suggested tabling the resolution until the appropriate security may be substituted.

CERTAIN EQUIPMENT (TELEPHONE AND CONSOLE UNITS) DECLARED OBSOLETE AND DISPOSAL AUTHORIZED

RESOLVED that, upon the recommendation of Town Supervisor Kenneth Schmitt, the Town Board of the Town of Carmel hereby declares 75 (seventy-five) Vodavi Triad telephone units and two (2) Vodavi Triad console units that were replaced pursuant to the previously authorized Town of Carmel telephone system upgrade project to be obsolete and authorizes their disposal in accordance with Town Law, including but not limited to Town Law §64(2-a).

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Lupinacci

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

VARIOUS WATER DISTRICTS AND SEWER DISTRICTS - PROPOSAL ACCEPTED FOR GENERATOR BROWN OUT PUMP EVALUATIONS - MAGPRO INDUSTRIES - NOT TO EXCEED \$7,400.00

RESOLVED, that the Town Board of the Town of Carmel, upon the recommendation of the Town of Carmel Engineer Richard J. Franzetti, P.E., and acting as Commissioners of the various Water Districts and Sewer Districts of the Town of Carmel, hereby accepts the proposal of MagPro Industries, Carmel, NY to perform generator brown out pump evaluations within the various water and sewer districts of the Town of Carmel at an overall cost not to exceed \$7,400.00; and

BE IT FURTHER RESOLVED that the proportionate costs of said services shall be allocated to the cost of the services as incurred in each respective water and sewer district within the Town of Carmel; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any necessary budget transfers or modifications necessary to fund the authorization set forth 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>

Supervisor Schmitt explained that the evaluations are necessary because certain generators had operational issues during a brown out. Upgrades will be performed on the generators as necessary.

18 JANUARY 2017
TOWN BOARD MEETING

**TOWN OF CARMEL PARK AND ATHLETIC COMPLEX AT AIRPORT PARK -
NEGATIVE DETERMINATION MADE UNDER NEW YORK STATE
ENVIRONMENTAL QUALITY REVIEW (“SEQR”)**

WHEREAS the Town Board of the Town of Carmel has reviewed the full environmental assessment form attachments prepared and submitted by Town Engineering Consultant Insite Engineering Surveying & Landscape Architecture, P.C. in regard to the proposed improvements to be performed and constructed in connection with the proposed establishment and construction of a Park and Athletic Complex at Airport Park, Hill Street in the Town of Carmel (the “Project”); and

WHEREAS, as a result of its review, the Town Board has determined the Project is Type I under SEQR; and

WHEREAS, in the accordance with the provisions of 6NYCRR Part 617, the Town Board of the Town of Carmel did previously declare its intent to act as Lead Agency for the SEQRA Review of The Project, and

WHEREAS, the aforesaid Notice of Intention to Act as Lead Agency, was circulated to all involved agencies; and

WHEREAS, all involved agencies were given opportunity to comment on said Declaration, and the Town Board of the Town of Carmel and its Engineering Consultant have reviewed and addressed all comments made by involved agencies in connection with the Project; and

WHEREAS the Town Board has reviewed the Full Environmental Assessment form and assessed the projected impacts and their magnitude on the environment in accordance with the SEQR regulations and given due consideration thereto;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel, hereby declares itself Lead Agency for the project and determines that, based on the information contained in the Full EAF and their analysis thereof, the proposed Project will not result in any significant adverse environmental impacts under the SEQR regulations and hereby adopts a Negative Declaration in regard to the proposed action; and

BE IT FURTHER RESOLVED that the Town Clerk Ann Spofford is hereby directed to circulate this determination, along with the Environmental Assessment Form and associated documentation, to all Involved Agencies.

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>

SEQR

617.21

Appendix F

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number

Date December 14,2016

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

(Cont.)

The Town of Carmel, Town Board as lead agency, has determined that the proposed action described below will not have a significant effect on the environmental and a Draft Environmental Impact Statement will not be prepared.

Name of Action:

Park and Athletic Complex at Airport Park

SEQR Status:

Type I X Unlisted

Conditioned Negative Declaration: Yes No X

Description of Action:

The proposed action involves a lease parcel across the properties from Putnam County to the Town of Carmel to build a Town Park facility on the site. A large portion of the site was formerly used as an airfield with a gravel road gaining access to the airfield from Hill Street. The location of the airfield is currently a maintained grass area used for soccer fields by the Town of Carmel. The eastern portion of the site was previously utilized as a working farm, as it is currently overgrown brush and pasture. The subject parcel is proposed to be developed as a Town Park. The project has been proposed to meet a community need for a recreation area within the Carmel hamlet. The proposed Town Park will consist of five (5) multipurpose I soccer fields, a playground I picnic area, future building, grandstands, and associated gravel parking.

SEQR Negative Declaration

Page 2

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Hill Street Mahopac, NY

REASONS SUPPORTING THIS DETERMINATION:

The purpose of the action is to protect and enhance the public health and welfare of the residents of the Town of Carmel by providing for a community recreation center to be utilized by the residents of the Town of Carmel. Upon review of the Full EAF and the input and conclusions of the consulting engineer, involved agencies and Town of Carmel staff, it can be concluded that the proposed action will not result in any significant adverse environmental impacts.

If **Conditioned Negative Declaration**, provide on attachment the specific mitigation measures imposed.

For Further Information:

Contact Person: Kenneth Schmitt, Supervisor

Supervisor Schmitt spoke regarding the Town Board’s commitment to the construction of recreational facilities at the Airport Park.

Mr. Folchetti added with regard to the status of the project that a required Wetlands Permit issued by the New York State Department of Environmental Conservation had expired and one of the conditions for reissuance is to make a final SEQR determination on the process undertaken several years ago.

18 JANUARY 2017
TOWN BOARD MEETING

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

Anthony DiCarlo, Mahopac, inquired about the status of the Town-wide revaluation project currently underway.

Councilman Schneider explained that the Town is waiting for the advisory panel from New York State to provide the requisite utilities information. When these numbers are received, which are expected by the end of the month, the matter will be addressed at another Work Session.

TOWN BOARD MEMBER COMMENTS - OPEN FORUM

Supervisor Schmitt announced that registration for the Recreation and Parks Department's 2017 winter program has commenced. A list of classes and registration instructions are available on the Town's website or by calling the office of the Recreation and Parks Department.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all Town Board members present and in agreement, the meeting was adjourned at 7:35 p.m. to Executive Session for a discussion lead by Councilwoman McDonough in connection with a personnel matter as well as for an update with regard to the ongoing PBA collective bargaining negotiations.

Respectfully submitted,

Ann Spofford, Town Clerk