

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 1st day of February 2017 at 7:07 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Lupinacci, Councilwoman McDonough, Councilman Lombardi and Supervisor Schmitt. Councilman Schneider was absent.

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 as well as in memory of Erin Bentivegna, the inspirational Mahopac High School senior who recently lost her battle with cancer.

MINUTES OF TOWN BOARD MEETINGS HELD ON 1/4/17, 1/11/17 AND 1/18/17 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all members of the Town Board present voting “aye”, the minutes of the Town Board meetings held on January 4th, January 11th and January 18th 2017 were accepted as submitted by the Town Clerk.

EAST OF HUDSON WATERSHED CORPORATION - EXECUTION OF CONSENT TO LEAD AGENCY AUTHORIZED

Resolved, that upon the recommendation and determination of Town Engineer Richard J. Franzetti, P.E., the Town Board of the Town of Carmel hereby consents to the East of Hudson Watershed Corporation (EOHWC) serving as lead agency for the purposes of New York State Environmental Quality Review for Years 6-10 stormwater retrofits within the Town of Carmel; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute the consent form permitting EOHWC to act in said capacity, a copy of which is in file in the Office of the Town Supervisor.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
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>	

LENGTH OF SERVICE AWARDS PROGRAM (LOSAP) INVESTMENT POLICY ADOPTED - MAHOPAC FALLS VOLUNTEER FIRE DEPARTMENT AND MAHOPAC VOLUNTEER FIRE DEPARTMENT WITH GLENS FALLS NATIONAL BANK AND TRUST COMPANY AND EXECUTION AUTHORIZED

Resolved, that upon the recommendation of Town Comptroller MaryAnn Maxwell, the Town Board of the Town of Carmel hereby adopts the Town of Carmel Fire Protection District Length of Service Award Program (LOSAP) investment policy for Mahopac Falls Volunteer Fire Department (Carmel Fire Protection District #1) and Mahopac Volunteer Fire Department (Carmel Fire Protection District #2) with Glens Falls National Bank and Trust Company, as per said terms, conditions and objectives of said policy embodied in the forms maintained in the Office of Town Supervisor; and

BE IT FURTHER RESOLVED, Town Supervisor Kenneth Schmitt is hereby authorized to execute the reference investment policy documents adopted herein.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

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(Cont.)

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

RECREATION AND PARKS DEPARTMENT - RENEWAL OF LICENSE AGREEMENT WITH AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS AUTHORIZED


RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the renewal of the license agreement with the American Society of Composers, Authors and Publishers (ASCAP) for the Department of Recreation and Parks 2017 Sunset Concert Series at a cost of \$341.00 in form as attached hereto and made a part hereof.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lupinacci

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

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		LOCAL GOVERNMENT ENTITIES 2017 Rate Schedule and Report Form
Account No.: 500613865	Premise Name: Town Of Carmel, NY; Mahopac, NY	
		Report Due: 12/30/2017



SCHEDULE A: Base License Fee

Population Size			Base License Fee
1	to	50,000	\$341.00
50,001	to	75,000	\$680.00
75,001	to	100,000	\$818.00
100,001	to	125,000	\$1,091.00
125,001	to	150,000	\$1,363.00
150,001	to	200,000	\$1,772.00
200,001	to	250,000	\$2,180.00
250,001	to	300,000	\$2,590.00
300,001	to	350,000	\$2,999.00
350,001	to	400,000	\$3,408.00
400,001	to	450,000	\$3,814.00
450,001	to	500,000	\$4,226.00
500,001	Plus***		\$5,178.00

*** \$5,178.00 plus \$500 for each 100,000 of population above 500,000 to a maximum fee of \$68,140.00

SCHEDULE B: Special Events

The rate for Special Events shall be 1% of Gross Revenue.

"Special Events" means musical events, concerts, shows, pageants, sporting events, festivals, competitions, and other events of limited duration presented by LICENSEE for which the "Gross Revenue" of such Special Event exceeds \$25,000.

"Gross Revenue" means all monies received by LICENSEE or on LICENSEE'S behalf from the sale of tickets for each Special Event. If there are no monies from the sale of tickets, "Gross Revenue" shall mean contributions from sponsors or other payments received by LICENSEE for each Special Event.

SCHEDULE C: State Municipal and/or County Leagues or State Associations of Attorneys

The annual license fee for LICENSEES who are legally organized as state municipal and/or county leagues or state associations of municipal and/or county attorneys shall be \$341.00


License Fee for Year 2018 and Thereafter

For each calendar year commencing 2018, all dollar figures set forth in Schedules A, B and C above (except for \$500.00 add-on for populations of 500,001 or more) shall be the license fee for the preceding calendar year, adjusted in accordance with the increase in the Consumer Price Index - All Urban Consumers (CPI-U) between the preceding October and the next preceding October. Any additional license fees due resulting from the CPI adjustment shall be payable upon billing by ASCAP.

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	LOCAL GOVERNMENT ENTITIES 2017 Rate Schedule and Report Form
Account No.: 500613865	Premise Name: Town Of Carmel, NY; Mahopac, NY
Report Due: 12/30/2017	



SCHEDULE A: Base License Fee (Due upon execution of Agreement and within 30 days of the Agreement's Renewal Date.)
Population Size: 38,000 Base License Fee: \$341.00
(Per current U.S. Census Data) (Please refer to attached Rate Schedule)

SCHEDULE B: Special Events* (Report and Payment due 90 days after the conclusion of each Special Event)

Event Date (mm/dd/yyyy) if More than 1 Event Per Day, Please Report As Separate Entries	Performer(s) or Group(s) Appearing	Gross Revenue of Event (Must Exceed \$25,000)	% Applies to Gross Revenue	Event Fee	Is a Program of Musical Works Attached? (Yes/No)	If the Event is Co-Sponsored (Please Identify The Co-sponsor's Name, Address, Phone Number and ASCAP Account Number)
			x .01	\$		Name: _____ Address: _____ Phone No: _____ Account No: _____
			x .01	\$		Name: _____ Address: _____ Phone No: _____ Account No: _____
			x .01	\$		Name: _____ Address: _____ Phone No: _____ Account No: _____
			x .01	\$		Name: _____ Address: _____ Phone No: _____ Account No: _____

****Special Events** means musical events, concerts, shows, pageants, sporting events, festivals, competitions, and other events of limited duration presented by LICENSEE for which the "Gross Revenue" of such Special Event exceeds \$25,000.

*****Gross Revenue** means all monies received by LICENSEE or on LICENSEE'S behalf from the sale of tickets for each Special Event. If there are no monies from the sale of tickets, "Gross Revenue" shall mean contributions from sponsors or other payments received by LICENSEE for each Special Event.

GLCS@ascap.com 1-800-505-4052 1-615-691-7795 (FAX)
Epayment Websites: <http://www.ascap.com/mylicense> or <http://www.ascap.com>

Report Form Continued On Reverse Side

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LOCAL GOVERNMENT ENTITIES (continued): (Please complete form in its entirety.)

SCHEDULE C: State Municipal and/or County Leagues or State Associations of Attorneys
Report Year: 2017 Annual License Fee: \$341.00 (Due within 30 days of Renewal Date.)
Total Fees Reported From Any or All of Schedules A, B or C: \$ ---

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(Cont.)

Base Licensee Fees accompanied by a completed Report Form are due and payable within 30 days of the License Agreement's renewal date.
The Report along with payment may be mailed to the ASCAP address below.

Contact Person: Kenneth Schmitt / Supervisor, Town of Carmel
(Please print Contact's Name.)

Phone No.: 845 628 - 1500 Fax No.: 845 628-2820 Email: ks@ci.carmel.ny.us Website: carmelny.org
(Please print Contact's Title.)

I certify that the above information is true and correct. Signature: _____
Dated: / / 2017 (Please print Name and Title of Signature name above.)

GLCS@ascap.com 1-800-505-4052 1-615-691-7795 (FAX)
Epayment Websites: <http://www.ascap.com/mylicense> or <http://www.ascap.com>

12/20/2010 F0166_0117



Account No.: 500613865

Town Of Carmel, NY
60 McAlpin Ave
Mahopac, NY 10541-2340

ASCAP IMLA
Account Services
P. O. Box 331608-7515,
Nashville, TN 37203-9998

DEPARTMENT OF RECREATION AND PARKS - PAYMENT FOR REPAIRS AND IMPROVEMENTS TO SYCAMORE PARK MAIN BUILDING AUTHORIZED - BLUE HORIZONS CONSTRUCTION CORP - \$6,855.00

RESOLVED, that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Director of Recreation and Parks, James R. Gilchrist, hereby authorizes the payment of the sum of \$6,855.00 to Blue Horizons Construction Corp, Mahopac, NY for repairs performed to the interior of the main building at Sycamore Park in accordance with the invoice dated January 10, 2017.

Resolution

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

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

POLICE DEPARTMENT - BID AWARDED FOR THE PURCHASE OF UNIFORMS - NEW ENGLAND UNIFORM - OFFERED AS PARAPHRASED AND PRE-FILED

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for Police Department uniforms for the Town of Carmel Police Department in fiscal year 2017, and

WHEREAS such bids were received and opened on January 5, 2017; and

WHEREAS Chief of Police Michael Cazzari 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 bid for the purchase of Police Department uniforms to New England Uniform, 356 Main Street, Danbury, CT, the lowest responsible bidder who met specifications, at the following bid prices:

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- Flying Cross Gore-Tex Public Safety Jacket: \$229.00 each;
- Flying Cross Single Breasted Dress Coat: \$205.00 each;
- Summer Cap 8 point: \$27.00 each;
- Winter Cap 8 point: \$29.00 each;
- Rain Coat: \$160.00 each;
- Summer Shirt: \$53.00 each
- Winter Shirt \$54.00 each;
- Pants Flying Cross Wool Blend \$84.50 each.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

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

POLICE DEPARTMENT - ACCEPTANCE OF PROPOSAL FOR POLICE VEHICLE LIGHTING AND EQUIPMENT AUTHORIZED - HUDSON VALLEY SAFETY LIGHTING - NOT TO EXCEED \$15,543.92 - ACCEPTANCE OF PROPOSAL FOR MOBILE DATA TERMINALS AND ACCESSORIES AUTHORIZED - ISLAND TECH SERVICES - NOT TO EXCEED \$12,778.50

WHEREAS, Chief of Police Michael Cazzari has previously solicited proposals for the cost of outfitting two new Carmel Police vehicles with emergency lighting and equipment;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Chief of Police Michael Cazzari, hereby accepts the proposal of Hudson Valley Safety Lighting, Poughkeepsie, NY for the installation of lighting and equipment for said vehicles at a cost not exceed \$15,543.92 and in accordance with said vendor’s proposal dated October 4, 2016; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Chief of Police Michael Cazzari, also hereby accepts the proposal of Island Tech Services, Ronkonkoma, NY for the installation of mobile data terminals and accessories for the referenced vehicles at a cost not to exceed \$12,778.50 and in accordance with said vendor’s proposal dated September 12, 2016; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to accept the proposal on the terms authorized herein; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization.

Resolution

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

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

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HIGHWAY DEPARTMENT - ACCEPTANCE OF PROPOSAL AND ENTRY INTO LEASE AGREEMENT FOR GPS TRACKING EQUIPMENT AUTHORIZED - TRACMANAGER - MONTHLY COST NOT TO EXCEED \$733.50

WHEREAS, Town of Carmel Highway Superintendent Michael Simone has previously solicited proposals for the cost of outfitting Town of Carmel Highway Department vehicles with GPS Tracking Equipment;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone hereby accepts the proposal of TracManager, Syracuse, NY for the lease of GPS tracking equipment for up to thirty-three Town of Carmel Highway Department vehicles at a monthly cost not to exceed \$733.50 and in accordance with the said vendor’s proposal dated December 13, 2016; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to accept the proposal on the terms authorized herein; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
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>	

CARMEL SEWER DISTRICT #2 - ACCEPTANCE OF PROPOSAL FOR PURCHASE OF BOILER PUMPS AUTHORIZED - SUECO FUEL OIL, INC. - NOT TO EXCEED \$8,850.00

RESOLVED that, The Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #2, and pursuant to recommendation of Town Engineer Richard J. Franzetti, P.E. hereby accepts the proposal of Sueco Fuel Oil, Inc., Mahopac, for the purchase and installation of two (2) boiler pumps in the Carmel Sewer District #2 Wastewater Treatment Plant sand filter building at a cost not to exceed \$8,850.00 and in accordance with said vendor’s proposal dated January 12, 2017; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to accept the proposal on the terms authorized herein; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
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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TOWN OF CARMEL AND THE TOWN OF CARMEL LIEUTENANTS BENEVOLENT ASSOCIATION - ENTRY INTO MEMORANDUM OF AGREEMENT AUTHORIZED - 1/1/17 THROUGH 12/31/23

RESOLVED, that the Town Board of the Town of Carmel hereby ratifies and accepts the revised Memorandum of Agreement between the Town of Carmel and the Town of Carmel Lieutenants Benevolent Association dated February 1, 2017, for the period of January 1, 2017 through December 31, 2023, which is attached hereto. The Memorandum of Agreement has been approved by employees in the Lieutenants Benevolent Association and, based up such approval; the Town Board hereby authorizes the Town Supervisor to execute a Collective Bargaining Agreement consistent with the terms of the Memorandum of Agreement.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
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>	

**Memorandum of Agreement by and
Between
Town Of Carmel
and
Town Of Carmel Lieutenants Benevolent Association**

THIS MEMORANDUM OF AGREEMENT is entered into this 1st day of February 2017, by and between the **Town of Carmel** (hereinafter the “Town”) and the **Town of Carmel Lieutenants Benevolent Association** (hereinafter the “LBA”), referred to collectively as the “parties”.

WHEREAS, the parties have now reached an agreement as of the 1st day of February 2017, on the terms and conditions for a successor collective bargaining agreement for the period of January 1, 2017 through December 31, 2023, and it is the agreement of the parties to memorialize their understandings, in writing, pending the signing of a new collective bargaining agreement; and

WHEREAS, the LBA recognizes and acknowledges that the Town’s decision to agree to the terms set forth in this Memorandum of Agreement is based upon the Town’s desire to efficiently and economically resolve the instant negotiations;

WHEREAS, upon execution of this Memorandum of Agreement by the negotiating committees of both the Town and LBA, the parties agree to comply with the following:

- A. All parties and their representatives to this Memorandum of Agreement shall support and endorse it for ratification by their respective bodies. This Memorandum of Agreement is subject to ratification by the Town and the LBA’s membership.
- B. All terms and conditions of the parties’ prior collective bargaining agreement, which expired on December 31, 2016, shall remain in full force and effect except as agreed to be modified herein.
- C. The LBA shall hold a ratification vote as soon as possible. Upon finalization of the ratification vote, the LBA shall notify the Town of the results of the LBA’s ratification vote.

NOW THEREFORE, in consideration of the promises and mutual covenants contained herein, the parties agree that a successor collective bargaining agreement to the one, as extended, as expired on December 31, 2016, shall reflect the following terms:

(Cont.)

1. Annual Salary and Overtime

(Article III, Annual Salary Section): Amend to provide:

Effective January 1, 2017- 2%
 Effective January 1, 2018- 2%
 Effective January 1, 2019- 2%
 Effective January 1, 2020- 2%
 Effective January 1, 2021- 2%
 Effective January 1, 2022- 2%
 Effective January 1, 2023- 2%

2. Hourly Rate of Pay

(Article III, Hourly Rate of Pay Section): Amend to provide:

(A) If there is one (1) Lieutenant in the Police Department, the cap on the cash payment of overtime shall be modified as follows:

- i. For the sole Lieutenant hired or promoted before July 1, 2016
 - Effective January 1, 2017 – 150 hour cap
 - Effective January 1, 2018 – 180 hour cap
 - Effective January 1, 2019 – 210 hour cap
 - Effective January 1, 2020 – 240 hour cap
- ii. For the sole Lieutenant hired or promoted after July 1, 2016
 - Year 1 after hire or promotion date – 150 hour cap
 - Year 2 after hire or promotion date – 180 hour cap
 - Year 3 after hire or promotion date – 210 hour cap
 - Year 4 after hire or promotion date – 240 hour cap

Thereafter, the cash payment of overtime shall not exceed 240 hours.

(B) If there are two (2) or more Lieutenants in the Police Department, the cap on the cash payment of overtime for all Lieutenants shall be as follows:

All Lieutenants hired or promoted after July 1, 2016 - 120 hour cap
 All current Lieutenants hired or promoted on or before July 1, 2016 – 150 hour cap.

If there is one lieutenant in the Police Department (“first Lieutenant”) operating under the terms set forth in Section (A) above, upon the hire or promotion of a second Lieutenant, the first Lieutenant’s allowable OT Hours payment shall be frozen for the remainder of the calendar year at the amount the first Lieutenant may have been paid prior to the employment of the second Lieutenant. . If the first Lieutenant, exceeds the cap set forth in Section B upon the hire or promotion of the second Lieutenant, h/she shall not be eligible for any additional OT Hours payment for the remainder of that calendar year upon which the second Lieutenant is hired or promoted. At the commencement of the next calendar year, the cash payment of overtime shall be consistent with the terms of Section B herein.

For purpose of this Article, all OT Hour payments shall be based on a calendar year and those Lieutenants hired during the course of the year shall have their cap prorated.

Once an employee reaches the cap for the cash payment of overtime, the employee agrees to accept compensatory time in lieu of the cash payment of overtime. An employee may carry up to a maximum of 32 hours of compensatory time into the following fiscal year.

(Cont.)

3. Welfare Benefits

(Article XI, ¶ A): Modify paragraph to provide: “The Town shall continue to provide hospitalization insurance with extended coverage through the Statewide Plan for all Employees and their eligible dependents with all eligible employees contributing towards the cost of their healthcare insurance premiums at the following rates:

Effective January 1, 2017	-	14.5%
Effective January 1, 2018	-	16.5%
Effective January 1, 2019	-	18.5%
Effective January 1, 2020	-	20.0%

4. Mortgage Tax Revenue Wage Supplement

Effective April 2018 (based upon 2017 mortgage tax revenue results) and for the remainder of this Agreement, the parties shall enter into the following wage supplement benefit based upon the Town’s mortgage tax revenue. If the Town experiences a \$200,000.00 increase from the prior year’s mortgage tax revenue “benchmark,” employees shall receive a 0.25% salary increase to their base rate of pay effective the first full payroll period following April 15 of the following year (e.g., Town’s mortgage tax revenue for 2017 was \$800,000. In early 2019, it is determined the Town’s 2018 mortgage tax revenue rose to \$1,000,000.00. As such, employees would be eligible for a salary increase of 0.25% effective the first full pay period after April 15, 2019).

The mortgage tax revenue benchmark shall be set at \$200,000.00 greater than the Town’s prior year’s mortgage tax revenue, except in years where the mortgage tax revenue goes down from the prior year. In a ‘down year’ the subsequent benchmark shall be set at \$200,000.00 greater than the highest mortgage tax revenue year in the prior two years. (e.g., Town’s mortgage tax revenue for 2017 is \$800,000 meaning the 2018 benchmark is \$1,000,000.00. In 2018, the mortgage tax revenue comes in at \$700,000.00 (no supplemental wage increase for 2018); therefore, the 2019 benchmark is \$1,000,000.00 (using 2017 not 2018’s mortgage tax revenue figure).

The mortgage tax revenue wage supplement benefit shall cease upon expiration of this Agreement (i.e., the final possible wage supplement to be paid out will be in April 2023).

AGREED UPON:

TOWN OF CARMEL

TOWN OF CARMEL LIEUTENANTS
BENEVOLENT ASSOCIATION

_____ Date

 2/1/17
_____ Date

Supervisor Schmitt acknowledged Councilman Lupinacci and Councilman Lombardi for their efforts on behalf of the Town of Carmel as well as Lieutenant John Dearman on behalf of the Lieutenants Benevolent Association with regard to the negotiations. He commented that the agreement is fair and reasonable to all.

HIGHWAY DEPARTMENT - PURCHASE OF MAINTENANCE VEHICLES AT A MAXIMUM ESTIMATED COST OF \$300,000 AUTHORIZED AND ISSUANCE OF \$300,000 BONDS TO PAY THE COST THEREOF AUTHORIZED - SUBJECT TO PERMISSIVE REFERENDUM - OFFERED AS PARAPHRASED AND PRE-FILED

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have any significant adverse impact on the environment; and

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(Cont.)

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 maintenance vehicles 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 \$300,000, subject to permissive referendum.

Section 2. It is hereby determined that the plan for the financing thereof is by the issuance of \$300,000 bonds of said Town is hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

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.**

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(Cont.)

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Lupinacci

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

Councilman Lupinacci pointed out that the Town Board has authorized the issuance of \$300,000.00 bonds for the maintenance vehicles. However, as there is funding available in a reserve account, it may not be necessary to utilize the full amount for the purchases.

HIGHWAY DEPARTMENT - ADVERTISING FOR BIDS AUTHORIZED - TWO (2) FORD F-550 4X4 SIX WHEELED TRUCKS AND THREE (3) FORD F-350 4X4 PICKUP TRUCKS **AMENDED 3/22/17**

RESOLVED that the Town Board of the Town of Carmel, pursuant to the request of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes Town Clerk Ann Spofford, to advertise for bids for purchase and acquisition of Town of Carmel Highway Department vehicles and equipment consisting of the following:

- Two (2) Ford F-550 4X4 six wheeled trucks with stainless steel dump bodies, equipped with sanders/salt spreaders and with 9 Ft. Fisher snow plows;
- Three (3) Ford F-350 4X4 pickup trucks with stainless steel utility bodies, equipped with 9 Ft. Fisher snow plows.

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: Councilman Lupinacci
Seconded by: Councilman Lombardi and Councilwoman McDonough

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

MOTION FROM 1/11/17 REMOVED FROM THE TABLE - LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL, CHAPTER 37, HEREOF, ENTITLED "ALARM DEVICES AND SYSTEMS"

On motion by Councilman Lupinacci, seconded by Councilman Lombardi, with all members of the Town Board present voting "aye", the motion to consider the enactment of the proposed Local Law to Amend the Code of the Town of Carmel, Chapter 37, Hereof, Entitled "Alarm Devices and Systems" was removed from the table.

1 FEBRUARY 2017
TOWN BOARD MEETING

LOCAL LAW #2 OF THE YEAR 2017 - A LOCAL LAW AMENDING THE CODE OF THE TOWN OF CARMEL, CHAPTER 37 HEREOF, ENTITLED "ALARM DEVICES AND SYSTEMS" - ADOPTED AS NOTICED AND PUBLISHED

**TOWN OF CARMEL
LOCAL LAW #2 OF THE YEAR 2017
A LOCAL LAW AMENDING THE CODE OF THE TOWN OF CARMEL, CHAPTER 37
HEREOF, ENTITLED "ALARM DEVICES AND SYSTEMS"**

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

SECTION 1

This Local Law shall be known as 2017 Amendments to Chapter 37 entitled "ALARM DEVICES AND SYSTEMS".

SECTION 2 Section 37-1 "Definitions" of Chapter 37, specifically the definition(s) set forth as currently existing in Section 37-1 is hereby amended to read as follows:

POLICE AND/OR FIRE ALARM DEVICE

Any device, which when activated by fire or any other emergency transmits a signal, alert, prerecorded message or other indication directly to any law enforcement facility and/or any centrally stationed monitoring facility for the purposes of eliciting response by law enforcement, fire department or any other emergency response personnel.

SECTION 3 - HOME RULE

Nothing in this Local Law is intended, or shall be construed (a) to limit the home rule authority of the Town under State Law to limit the Town's discretion in setting fees and charges in connection with any applications requiring Town approval.

SECTION 4 - SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Carmel hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 5 - EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Offered by: Councilman Lombardi
Seconded by: Councilman Lupinacci

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

PUBLIC COMMENTS - AGENDA ITEMS

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

1 FEBRUARY 2017
TOWN BOARD MEETING

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

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

PUBLIC COMMENTS - OPEN FORUM

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

TOWN BOARD MEMBER COMMENTS - OPEN FORUM

Supervisor Schmitt spoke regarding recent community events, including the Northern Westchester-Putnam St. Patrick's Day Parade Committee's installation of Fr. Joseph Tierney as Grand Marshal, the Italian American Club of Mahopac's induction of officers ceremony, the Mahopac Volunteer Fire Department's annual installation dinner, and the Greater Mahopac-Carmel Chamber of Commerce Business Person of the Year awards. Supervisor Schmitt extended congratulations and best wishes to all newly installed officers and award recipients.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all Town Board members present in agreement, the meeting was adjourned at 7:29 p.m. to Executive Session in connection with a personnel matter.

Respectfully submitted,

Ann Spofford, Town Clerk