

8 NOVEMBER 2017

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

A Special Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 8<sup>th</sup> day of November 2017 at 7:13 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 and Supervisor Schmitt. Councilman Lombardi 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.

Supervisor Schmitt announced that the Town Board had met at 6:30 p.m. in Executive Session with Engineering Consultant John Folchetti, P.E. with regard to a contractual matter.

**CONTINUATION OF PUBLIC HEARING FROM 11/1/17 - PROPOSED LOCAL LAW  
AMENDING §156-76 OF THE TOWN CODE OF THE TOWN OF CARMEL, ENTITLED  
"WIRELESS TELECOMMUNICATION EQUIPMENT AND DEVICES" - HELD OPEN**

Supervisor Schmitt reopened the Public Hearing from November 1, 2017 for public comment at 7:15 p.m. Twenty-five (25) people were in attendance.

Joan Lefurgy, 950 Route 6, Mahopac reiterated from the prior meeting, her extreme opposition to a cell tower proposed to be constructed a few feet from her commercial building/residential apartments. She distributed to the Town Board members copies of three articles, "Dangers of Living Near Cell Phone Towers Raised" East County Magazine (La Mesa, CA) dated November 2008, "Is Mobile Phone Tower Radiation a Health Hazard?" Hindustan Times (India) dated July 16, 2012 and "EM Watch Electromagnetic Radiation Health and Safety" (UK) undated. Ms. Lefurgy circulated a photograph which depicts the proximity of the proposed tower to a bedroom on her mixed-use property.

Councilman Lupinacci once again explained to Ms. Lefurgy that the purpose of the proposed Local Law is to regulate these devices and that projects that are underway would be an issue to address with the Planning Board.

Ms. Lefurgy stated that she is waiting for the matter to be addressed at a Planning Board meeting and had told Supervisor Schmitt at the last meeting that she would provide this information to the Town Board.

Geoff Smith, Mahopac resident cited his familiarity with Fairfield County legislation and stated that he has reviewed this proposed Local Law. He commented that he found it to be comprehensive and exactly what is presented everywhere else. Noting that he has over twenty years in the field of telecommunications, Mr. Smith offered his services to the Town Board free of charge to provide advice and answer questions. Mr. Smith went on to comment that provisions included in the proposed Local Law need to be enforced. He stated as an example that the screening on the site at a local funeral home should have been extended to the base of the deck.

Mr. Smith went on to comment with regard to the plans for the tower proposed next to Ms. Lefurgy's building that the beta sector is too close to a bedroom. He believed that if that was communicated to Verizon, they would be happy to move the site. Mr. Smith stated that if it is a Planning Board issue, he would join Ms. Lefurgy at that meeting.

Supervisor Schmitt stated that it is a Planning Board issue, and that the Town Planner and Town Engineer would also be involved.

Councilman Schneider asked Mr. Smith if he would provide a recommendation with regard to proximity requirements in the proposed Local Law.

Mr. Smith indicated that it was already included in the proposed Local Law and went on to caution that the carriers will attempt to take every advantage to increase their signal by dodging rules.

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Councilwoman McDonough commented that efforts were made to include as much as possible in the proposed Local Law and pointed out the requirement for an applicant to provide a physical rendering of the project.

Mr. Smith stated that this was more in depth than he has seen. He added with regard to several large towers being constructed at this time that he hoped that the Town is retaining some of the rights to rent out space on them.

Councilman Schneider specified that it would be Putnam County.

At 7:24 p.m., with no one else present wishing to be heard on the subject of the Public Hearing, Supervisor Schmitt stated that the Public Hearing will remain open until at least the 21<sup>st</sup> of this month. At such time, he continued, the Town Board may close the Public Hearing, conduct a SEQR review, and then consider adopting the Local Law.

**PUBLIC HEARING HELD REGARDING THE PRELIMINARY BUDGET FOR FISCAL YEAR 2018**

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

<p><b><u>LEGAL NOTICE</u></b> <b>NOTICE OF PUBLIC HEARING</b> <b>TOWN OF CARMEL</b> <b>PRELIMINARY BUDGET</b> NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing on the 8th day of November, 2017 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 2018 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</p>	<p>BE IT FURTHER NOTICED that pursuant to Section 108 of the Town Law, the proposed salaries of the following officials for fiscal year 2018 are hereby specified as follows: Supervisor: \$120,000.00; Town Council Members (ea): \$21,000.00; Town Clerk \$91,500.00; and Highway Superintendent \$124,000.00; 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.</p>	<p>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 7:26 p.m. Twenty-five (25) people were in attendance.

With no one present wishing to be heard on the subject of the Public Hearing, on motion by Councilwoman McDonough, seconded by Councilman Lupinacci, with all members of the Town Board present in agreement, the Public Hearing was closed at 7:27 p.m.

Supervisor Schmitt stated that the Town Board will vote to adopt the 2018 Annual Budget on November 15, 2017.

**PUBLIC HEARING HELD - 2018 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:

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(Cont.)

<b>LEGAL NOTICE</b>		
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 2018, to be held on the 8th day of November, 2017 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. #1 Not to Exceed \$ 753,460.00	Contractor Mahopac Volunteer Fire Department, Inc. Services Fire Protection-Fire Protection Dist. #2 Not to Exceed \$1,400,000.00	Contractor North Salem Volunteer Ambulance Corps Services Ambulance Services- Carmel Ambulance District #1 Not to Exceed \$ 12,800.00
	Contractor Carmel Fire District & Carmel Fire Department, Inc. Services Fire Protection-Fire Protection Dist. #3 Not to Exceed \$ 727,000.00	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 Carmel Volunteer Ambulance Corps Services Ambulance Services- Carmel Ambulance District #1 Not to Exceed \$ 150,000.00	

With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:29 p.m. Twenty-five (25) people were in attendance.

Jean Hopper, Mahopac resident inquired about the Mahopac Volunteer Fire Department’s proposed contract amount increase from \$1.2 million to \$1.4 million.

Supervisor Schmitt explained that the Mahopac Volunteer Fire Department requested a \$200,000 increase and that the Town Board will be voting on the 2018 Budget on November 15, 2017.

Ms. Hopper mentioned that the total amount for Town of Carmel’s fire protection services will be over \$3 million and on behalf of the taxpayers, questioned if there was any other way that the Mahopac Volunteer Fire Department could raise those funds on their own in a different manner.

Councilman Schneider stated that they do have reserves. However, he referenced his familiarity with fire protection finances and pointed out that a department does not want to deplete their reserves too far. Councilman Schneider further pointed out that the theft at the Mahopac Volunteer Fire Department resulted in an extremely large deficiency. He commented that when delivering fire protection and emergency medical services, it is imperative that first responders have the appropriate equipment. Councilman Schneider concluded that at this time he has not made the decision as to whether or not he will support the increase from \$1.2 million to \$1.4 million or an amount somewhere in between.

Ms. Hopper commented that for years the fire department’s funding was approved without question and only now is being questioned because of issues that have come to light. She commented that there is division amid the community and how healing, respect on social media and transparency are needed in connection therewith.

Ms. Hopper agreed that quality fire protection is essential. However, she asked why the trucks were not purchased in previous years.

Councilwoman McDonough explained that the Mahopac Volunteer Fire Department has been purchasing vehicles as well as equipment. She noted that the two trucks scheduled to be replaced have completely exhausted their usefulness. Councilwoman McDonough also pointed out that their funding may be awarded up to a maximum of \$1.4 million and not necessarily the full amount.

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Ms. Hopper asked for the operating budget of the Mahopac Volunteer Fire Department.

Councilman Schneider stated that last year it was just under \$975,000.

Ms. Hopper asked if the Mahopac Volunteer Fire Department's auditors maintained professional liability insurance.

Legal Counsel Gregory Folchetti explained that it is entirely possible, although the Mahopac Volunteer Fire Department would be required to take any action against the professional(s) who prepared the audits.

Ms. Hopper recommended to the Mahopac Volunteer Fire Department that they look into this. She commented that all avenues should be exhausted without shortchanging fire protection.

Supervisor Schmitt explained that the Mahopac Volunteer Fire Department does have a vehicle replacement policy and that there is no question that they need to replace two fire trucks and purchase bail-out kits.

Ms. Hopper asked in addition to taxpayers, where the fire department obtains their funding from.

Councilman Schneider stated that they receive monies from fundraising as well as from the State's 2% tax on premiums written for insurance which can only be used for the benefit of the general membership.

Ms. Hopper inquired if they could use fundraising money to purchase the trucks.

Councilman Schneider pointed out that the Town Board cannot control how the fire department utilizes their funds.

Councilman Lupinacci added that the fire department can if they so choose. However, he did not know if they have enough money to do so.

Warren Raab, Mahopac asked if the Town Board was provided a breakdown of what the contract funds will be used for. Mr. Raab commented that he did not have an issue with the funds requested and that he just questions how the money is going to be spent.

Supervisor Schmitt stated they did submit the information and it is available to the public.

Councilman Lupinacci stated for the record, that the Town Board has retained a fire department lawyer and that the Mahopac Volunteer Fire Department is required to submit all of their checks to him for audit. The lawyer's reports are also available to the public.

Councilman Schneider added that this has been beneficial for implementing changes and noted that the Mahopac Volunteer Fire Department has been very receptive to all of the recommendations put forward.

With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilwoman McDonough, seconded by Councilman Lupinacci, with all members of the Town Board present in agreement, the Public Hearing was closed at 7:44 p.m.

**RESOLUTION FROM 10/18/17 AMENDED - RETURN OF BUILDING DEPARTMENT FEES AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel upon the recommendation of Town of Carmel Director of Codes Enforcement Michael Carnazza, hereby authorizes refund of the sum of \$250.00 for Building Permit and Certificate of Occupancy Fees to Perfect Comfort HVAC, Carmel (Kent), NY.

Resolution  
Offered by: Councilman Schneider  
Seconded by: Councilman Lupinacci

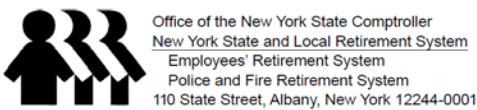
<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u>X</u>	<u>          </u>	
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Frank Lombardi	<u>          </u>	<u>          </u>	Absent
Kenneth Schmitt	<u>X</u>	<u>          </u>	

**STANDARD WORK DAY AND REPORTING RESOLUTION FOR TOWN OF CARMEL EMPLOYEES AND ELECTED OFFICIALS - ADOPTED**

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby establishes the following as standard workdays for Environmental Conservation Board Members, Deputy Tax Receiver and Zoning Board Members, Town Clerk, and Dog Control Officer will report the employees to the New York State and Local Employees' Retirement System based on the time keeping system records or their record of activities maintained and submitted by these employees to the Town Clerk as submitted on the attached "Standard Work Day and Reporting Resolution for Employees" and "Standard Work Day and Reporting Resolution for Elected and Appointed Officials" forms RS 2418, RS2417-A and RS2417-B from the New York State and Local Retirement System.

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>          </u>	<u>          </u>	Absent
Kenneth Schmitt	<u>X</u>	<u>          </u>	



**Standard Work Day  
Resolution for Employees\*  
RS 2418**  
(Rev. 7/11)

BE IT RESOLVED, that the Town of Carmel, Location code 30088, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body:

Title	Standard Work Day (Hrs/day)
Environmental Conservation Board Member	6
Deputy Tax Receiver	8
Zoning Board Member	6

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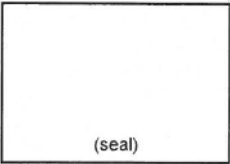
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Signature of clerk) Date enacted: \_\_\_\_\_

I, \_\_\_\_\_, clerk of the governing board of the \_\_\_\_\_  
(Name of Employer)  
of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by  
such board, at a legally convened meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ on file as part of the  
minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of \_\_\_\_ members, and that \_\_\_\_ of such members were present at such  
meeting and that \_\_\_\_ of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto  
Set my hand and the seal of the  
\_\_\_\_\_  
(Name of Employer)



\*To be used for all employees. Please list Elected and Appointed Officials on the form (RS2417-A) Standard Workday and Reporting  
Resolution for Elected and Appointed Officials.

See Instructions for Completing Form on Back



Office of the New York State Comptroller  
New York State and Local Retirement System  
Employees' Retirement System  
Police and Fire Retirement System  
110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution  
for Elected and Appointed Officials

RS 2417-A  
(Rev. 8/15)

BE IT RESOLVED, that the \_\_\_\_\_ TOWN OF CARMEL / 30088 \_\_\_\_\_ hereby establishes the following standard work days for these titles and  
(Name of Employer) (Location Code)  
will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy- mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
Elected Officials								
Town Clerk	7	Ann Spottford			<input type="checkbox"/>	01/01/15-12/31/19	24.96	<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
Appointed Officials								
Environ Conserv Brd Mmbr	6	John Starace			<input type="checkbox"/>	06/14/16-06/13/19		<input checked="" type="checkbox"/>
Zoning Board Member	6	William Rossiter			<input type="checkbox"/>	03/19/14-12/31/17		<input checked="" type="checkbox"/>
Zoning Board Member	6	Michael Schwarz			<input type="checkbox"/>	02/04/15-12/31/19		<input checked="" type="checkbox"/>

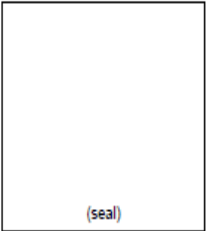
SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

I, \_\_\_\_\_, secretary/clerk of the governing board of the \_\_\_\_\_ TOWN OF CARMEL, of the State of New York,  
(Name of secretary or clerk) (Circle one) (Name of Employer)  
do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the \_\_\_\_\_ TOWN OF CARMEL on this \_\_\_\_ day  
(Name of Employer)  
of \_\_\_\_\_, 20\_\_\_\_.  
(Signature of the secretary or clerk)

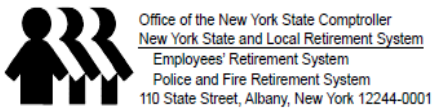
Affidavit of Posting: I, \_\_\_\_\_, being duly sworn, deposes and says that the posting of the  
(Name of secretary or clerk)  
Resolution began on \_\_\_\_\_ and continued for at least 30 days. That the Resolution was available to the public on the  
(Date)

- ☐ Employer's website at \_\_\_\_\_  
☐ Official sign board at \_\_\_\_\_  
☐ Main entrance secretary or clerk's office at \_\_\_\_\_



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TOWN BOARD SPECIAL MEETING

(Cont.)



Standard Work Day and Reporting Resolution  
for Elected and Appointed Officials Continuation Form  
RS 2417-B

(Rev. 8/15)

Title	Standard Work Day  (Hrs/day) Min. 6 hrs, Max. 8 hrs	Name  (First & Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates  (mm/dd/yy-mm/dd/yy)	Record of Activities Result*	Not Submitted  (Check only if official did not submit their Record of Activities)
Elected Officials								
					<input type="checkbox"/>			<input type="checkbox"/>
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Appointed Officials								
Environ Conserv Board Mmbr	6	Robert Laga			<input type="checkbox"/>	06/14/17-06/13/20		<input checked="" type="checkbox"/>
Environ Conserv Board Mmbr	6	Nicholas Fannin			<input type="checkbox"/>	06/14/16-06/13/19		<input checked="" type="checkbox"/>
Dog Control Officer	6	Kristin Creary-Dyokman			<input type="checkbox"/>	n/a	2.10	<input type="checkbox"/>
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Employer Town of Carmel Location Code 30088 Page 2 of 2 (use with form RS 2417-A)

ADJOURNMENT

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Schneider, with all Town Board members present in agreement, the meeting was adjourned at 7:47 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk