

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 17<sup>th</sup> day of January 2018 at 7:08 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Barile, Councilman Schneider, Councilman Lupinacci, Councilwoman McDonough 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 DECEMBER 20, 2017 - ACCEPT AS SUBMITTED BY THE TOWN CLERK**

On motion by Councilwoman McDonough, 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 20, 2017 were accepted as submitted by the Town Clerk.

**PROPOSAL ACCEPTED FOR SPECIAL COUNSEL SERVICES - VARIOUS NOT-FOR-PROFIT CONTRACTORS - PINSKY LAW GROUP, PLLC - ANNUAL RATE NOT TO EXCEED \$20,000**

RESOLVED THAT the Town Board of the Town of Carmel, hereby accepts the proposal of the Pinsky Law Group, PLLC, 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 for fiscal year 2018, 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 this proposal upon the terms authorized herein.

Resolution

Offered by: Councilman Schneider  
Seconded by: Councilman Lupinacci

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

Supervisor Schmitt explained that the services of the Pinsky Law Group, PLLC are being retained with regard to overseeing the financials as well as contracts of the Mahopac Volunteer Fire Department, the Carmel Fire Department and the Carmel Volunteer Ambulance Corps. He noted that Legal Counsel Gregory Folchetti continues to provide services in connection with the Mahopac Falls Volunteer Fire Department and the North Salem Ambulance Corps.

**PUTNAM COUNTY DEPARTMENT OF HEALTH BLUE-GREEN ALGAE SEMINAR - ATTENDANCE AT SEMINAR AUTHORIZED - 1/23/18**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town of Carmel Town Engineer, Richard J. Franzetti, P.E., Director of Recreation and Parks, James Gilchrist, Senior Recreation Leader, Nina Kallmeyer, and any advisory board members of the Lake Casse, Lake Secor, Lake Mahopac, Upper and Lower Teakettle Spout Lake Park Districts to attend the Putnam County Department of Health Blue-

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Green Algae Seminar in Carmel, NY on January 23, 2018; and  
BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel authorizes payment of any reasonable and necessary expenses incurred in connection therewith upon audit.

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

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

Supervisor Schmitt stressed the importance of the seminar as the influx of blue-green algae forced the closure of many beaches last summer not only in the Town but all throughout New York State.

**RECREATION AND PARKS - 2018 RENEWAL OF LICENSING AGREEMENT WITH ASCAP - AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the renewal of the License Agreement with ASCAP for public performances of copyrighted music in or at Town of Carmel Parks and facilities for the year 2018 at an annual rate of \$348.00; and  
BE IT FURTHER RESOLVED that Town of Carmel Supervisor Kenneth Schmitt, is hereby authorized to sign any necessary documents and/or reports concerning said renewal on behalf of the Town of Carmel.

Resolution  
Offered by: Councilman Lupinacci  
Seconded by: Councilwoman McDonough

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

**RECREATION AND PARKS - REQUEST FOR PROPOSALS AUTHORIZED - SYCAMORE PARK CONCESSION STAND OPERATOR**

RESOLVED that, pursuant to the request of James R. Gilchrist, Town of Carmel Director of Recreation and Parks, the Town Clerk of the Town of Carmel is hereby authorized to solicit proposals for a vendor to operate the concession stand at Sycamore Park for a three (3) year period commencing March 21, 2018.

Resolution  
Offered by: Councilman Barile  
Seconded by: Councilman Lupinacci

(Cont.)

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

**POLICE DEPARTMENT - BID AWARDED FOR 2018 DRY CLEANING OF UNIFORMS - PNV CLEANERS CORP. DBA MAHOPAC LAUNDERAID AND DRY CLEANERS**

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for dry cleaning of Police Department uniforms for the Town of Carmel Police Department in fiscal year 2018, and

WHEREAS such bids were received and opened on November 28, 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 dry cleaning of Police Department uniforms for fiscal year 2018 to PNV Cleaners Corp. dba Mahopac Launderaid and Dry Cleaners, 980 South Lake Boulevard, Mahopac, NY, the lowest responsible bidder who met specifications.

Resolution

Offered by: Councilman Schneider

Seconded by: Councilwoman McDonough

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

**POLICE DEPARTMENT - BID AWARDED FOR THE PURCHASE OF UNIFORMS - NEW ENGLAND UNIFORM**

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 2018, and

WHEREAS such bids were received and opened on November 28, 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 bids for Police Department uniforms to New England Uniform, 356 Main Street, Danbury, CT, the lowest responsible bidder who met specifications, at the following bid prices:

- Flying Cross Gore-Tex Public Safety Jacket: \$230.00 each;
- Flying Cross Single Breasted Dress Coat: \$207.00 each;
- Summer Cap 8 point: \$31.00 each;
- Winter Cap 8 point: \$29.00 each;
- Rain Coat: \$165.00 each;
- Summer Shirt: \$53.75 each
- Winter Shirt \$57.75 each;
- Pants Flying Cross Wool Blend \$84.75 each.

Resolution

Offered by: Councilwoman McDonough

Seconded by: Councilman Schneider and Councilman Lupinacci

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

**POLICE DEPARTMENT - CHIEF OF POLICE AUTHORIZED TO PROCEED WITH THE PURCHASE OF THREE (3) NEW 2018 DODGE CHARGER ALL-WHEEL DRIVE POLICE VEHICLES - ROBERT GREEN TRUCK DIVISION - UNIT COST NOT TO EXCEED \$34,611.69** **AMENDED 4/4/18**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Chief of Police Michael Cazzari to proceed to purchase three (3) new 2018 Dodge Charger all-wheel drive police vehicles from Robert Green Truck Division, Rock Hill, NY, at a unit cost not to exceed \$34,611.69 under Onondaga County #8771Statewide Piggy Back Bid pursuant to General Municipal Law §103(16); and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign all necessary documents to purchase said vehicles from Robert Green Truck Division in accordance with their contract quotation dated January 2, 2018;

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect the aforesaid purchase transactions authorized herein.

Resolution

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

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

**POLICE DEPARTMENT - PROPOSAL ACCEPTED FOR OUTFITTING THREE NEW POLICE VEHICLES WITH COMPUTER, MOBILE TELECOMMUNICATIONS AND ELECTRONIC EQUIPMENT - ISLAND TECH SERVICES - NOT EXCEED \$19,062.75**

WHEREAS, Chief of Police Michael Cazzari has previously solicited proposals for the cost of outfitting three new Town of Carmel Police vehicles with computer, mobile telecommunications and electronic 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 Island Tech Services, Ronkonkoma, NY for the installation of computers, mobile telecommunication and electronic equipment for said vehicles at a cost not exceed \$19,062.75 and in accordance with their proposal dated August 28, 2017;

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; 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.

(Cont.)

Resolution  
Offered by: Councilman Barile  
Seconded by: Councilman Lupinacci

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

**CARMEL FIRE DEPARTMENT - CARMEL FIRE PROTECTION DISTRICT #3 - ENTRY INTO CONTRACT AUTHORIZED**

WHEREAS appropriations have been made in the 2018 Town Budget for entry into various contracts for the provision of various services to the Town of Carmel, and  
WHEREAS a public hearing was duly held on said contracts on November 8, 2017; and copies of said contracts are on file in the office of the Town Supervisor for the inspection and review of all Town Board members,  
NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the Town Supervisor to enter into and execute, on behalf of the Town, contracts with the following contractors for the services indicated in an amount not to exceed that set forth below:

CONTRACTOR	SERVICES	NOT TO EXCEED AMOUNT
CARMEL FIRE DEPARTMENT, INC.	FIRE PROTECTION-FIRE PROTECTION DIST. #3	\$727,000.00

Resolution  
Offered by: Councilman Schneider  
Seconded by: Councilwoman McDonough

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

**MOTION TO RESCIND RESOLUTION FROM 12/20/17 - RESOLUTION AUTHORIZING ENTRY INTO AGREEMENT FOR CONSULTING ENGINEERING SERVICES - FAILED**

Councilman Barile offered a motion to rescind the December 20, 2017 resolution authorizing the entry into an agreement with John E. Folchetti, PE of J. Robert Folchetti & Associates, LLC for consulting engineering services. The motion was seconded by Supervisor Schmitt. The following roll call vote ensued, therefore the motion failed.

Offered by: Councilman Barile  
Seconded by: Supervisor Schmitt

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

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**MOTION TO ABOLISH THE FULL-TIME POSITION OF CARMEL TOWN ENGINEER  
- NO SECOND - FAILED**

Councilman Barile offered a motion to abolish the full-time position of Carmel Town Engineer. The motion did not receive a second.

Councilman Barile asked if any of his colleagues on the Town Board knew why the Town of Carmel is the only town in Westchester County or Putnam County that has both a full-time Town Engineer and an engineering consultant as well as why the Town of Carmel has the highest budgeted engineering department.

Supervisor Schmitt indicated that he did not exactly know why.

Councilman Schneider recommended that the matter be addressed at a future Work Session and discussion was held regarding the matter.

**PUBLIC COMMENTS - AGENDA ITEMS**

Dave Nichols referenced the resolution accepting the proposal of the Pinsky Law Group, PLLC and confirmed that it was for a one year contract. He then questioned whether or not there was anyone on the Town's payroll that could review the fire department and ambulance contracts to save the taxpayers \$20,000.

Councilman Lupinacci stated that as a result of the situation with the Mahopac Volunteer Fire Department, for the protection of the taxpayers the Town Board sought to retain an independent third party expert to provide control and safe gaps in connection with their financials.

Mr. Nichols asked why Mr. Folchetti reviews the contract for the Mahopac Falls Volunteer Fire Department.

Mr. Folchetti explained that Mr. Pinsky has taken over the part of the contract negotiations for the annual agreements with the Mahopac Volunteer Fire Department, Carmel Fire Department and the Carmel Volunteers Ambulance Corps but the overwhelming majority of his services are related to the auditing of the day-to-day finances of the Mahopac Volunteer Fire Department so that in light of the events in 2015 and 2016, the Town Board is convinced that their contract payments are being appropriately used.

Mr. Nichols inquired if any of the funds that were misappropriated from the Mahopac Volunteer Fire Department had been recovered.

Supervisor Schmitt stated that \$1 million was paid to the fire department from an insurance claim.

Mr. Folchetti added that restitution was part of the plea agreement.

Mr. Nichols asked if the Mahopac Volunteer Fire Department was granted the contract increase that they requested for 2018.

Supervisor Schmitt stated that it was not.

**TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS**

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

**PUBLIC COMMENTS - OPEN FORUM**

Don Fitzpatrick inquired about the status of the \$2.3 million water main replacement project in Carmel Water District #2.

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Mr. Folchetti explained that at the next Work Session, the actual plan for the implementation of the improvements will be included on the agenda and that the earliest that the contract could be voted on to award for the work would be February 7, 2018 based on the estoppel period. He further explained that some of the other concerns regarding the facilities within the district will also be on the agenda. Discussion ensued with regard to the water issues in Carmel Water District #2.

**TOWN BOARD MEMBER COMMENTS - OPEN FORUM**

Councilwoman McDonough announced that the Town Board will be discussing possible legislation to regulate lake dock bubblers and deicing systems at their next Work Session.

Supervisor Schmitt added that the Town Board will also be addressing a proposed agreement with regard to towing, the Town parks and proposed revisions to the Town wetland regulations.

Supervisor Schmitt announced that the Greater Mahopac-Carmel Chamber of Commerce will be hosting a Spring Fair on April 28, 2018 from 1:00 p.m. to 5:00 p.m. in the hamlet of Carmel. There will be vendors, food, entertainment and rides.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Lupinacci, with all Town Board members present and in agreement, the meeting was adjourned at 7:49 p.m. to Executive Session to discuss a matter of personnel in connection with the Town of Carmel Court.

Respectfully submitted,

Ann Spofford, Town Clerk