

**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 April, 2018 at 7:05 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 and a moment of silence was observed to honor those serving in the United States Armed Forces.

Supervisor Schmitt explained that the Town Board had met in Executive Session prior to the Regular Meeting to discuss personnel matters.

PUBLIC HEARING HELD - PROPOSED LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL, CHAPTER 52, HEREOF, ENTITLED "BINGO"

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

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN,
that the Town Board of the Town
of Carmel will conduct a Public
Hearing at the Town Hall, 60
McAlpin Avenue, Mahopac, New
York 10541 on Wednesday, April
18, 2018 at 7:00 p.m. or as soon
thereafter that evening as
possible on a proposed Local
Law amending Chapter 52 of the
Code of the Town of Carmel,
entitled "Bingo" as follows:
TOWN OF CARMEL
PROPOSED LOCAL LAW # _
OF THE YEAR 2018
A LOCAL LAW AMENDING
CHAPTER 52 OF THE TOWN
CODE OF THE TOWN OF
CARMEL, ENTITLED "BINGO"
SECTION 1 This Local Law shall
be known as Amendments to
Chapter 52 entitled "Bingo."
SECTION 2 Chapter 52 of the
Town Code of the Town of
Carmel, specifically §52-6 is
hereby amended to read as
follows: § 52 6. Prizes A. Single
prizes. No prize in any single
game of bingo shall exceed the
sum or value of the amount set
forth in General Municipal Law
section 479 (5). B. Series of
prizes. No series of prizes on
any one bingo occasion shall

aggregate more than the sum or
value of the amount set forth in
General Municipal Law section
479 (6). 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. 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

With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:10 p.m. Approximately ten (10) people were in attendance.

Robert Firriolo from the Knights of Columbus thanked the board members for supporting this amendment to the Town Code which will allow them to raise more funds for charity.

With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Barile, seconded by Councilman Schneider, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:15 p.m.

SEQR DETERMINATION OF SIGNIFICANCE - PROPOSED LOCAL LAW #2 TO AMEND THE CODE OF THE TOWN OF CARMEL, CHAPTER 52 ENTITLED "BINGO" - TYPE II ACTION

RESOLVED that the Town Board of the Town of Carmel hereby determines that, the proposed local law # 2, amending Chapter 52 of the Code of the Town of Carmel, entitled, "Bingo", is a Type II action under SEQR, NYCRR Section 617.5 and no further review is necessary.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilwoman McDonough & 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>

LOCAL LAW # 2 OF THE YEAR 2018 - A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL, CHAPTER 52 HEREOF, ENTITLED "BINGO" - ADOPTED AS NOTICED AND PUBLISHED

**LOCAL LAW #2 OF THE YEAR 2018
A LOCAL LAW AMENDING CHAPTER 52 OF THE TOWN CODE
OF THE TOWN OF CARMEL, ENTITLED "BINGO"**

SECTION 1

This Local Law shall be known as Amendments to Chapter 52 entitled "Bingo."

SECTION 2

Chapter 52 of the Town Code of the Town of Carmel, specifically §52-6 is hereby amended to read as follows:

§ 52-6. Prizes

- A. Single prizes. No prize in any single game of bingo shall exceed the sum or value of the amount set forth in General Municipal Law section 479 (5).
- B. Series of prizes. No series of prizes on any one bingo occasion shall aggregate more than the sum or value of the amount set forth in General Municipal Law section 479 (6).

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

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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 Lupinacci
Seconded by: Councilman Schneider

<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>

MINUTES OF TOWN BOARD MEETING HELD ON MARCH 28, 2018 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Schneider, seconded by Councilwoman McDonough, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meeting held on March 28, 2018 were accepted as submitted by the Town Clerk.

TOWN OF CARMEL EMPLOYEE HANDBOOK – ADOPTED AND AMENDMENTS AUTHORIZED

RESOLVED THAT the Town Board of the Town of Carmel hereby authorizes amendments and adoption of the Town of Carmel Employee Handbook in form as filed in the Office of the Town Supervisor.

Resolution
Offered by: Councilman Schneider
Seconded by: Councilwoman McDonough, Councilman Lupinacci, Councilman Barile and Supervisor Schmitt

<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>

LAKE MAHOPAC PARK DISTRICT ADVISORY COMMITTEE MEMBERS JAY CRAWFORD AND EDWARD BARNETT – ATTENDANCE AT 2018 NEW YORK STATE FEDERATION OF LAKES ANNUAL CONFERENCE ON MAY 3, 2018 – MAY 5, 2018 – AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Lake Mahopac Park District Advisory Committee members Jay Crawford and Edward Barnett to attend the 2018 New York State Federation of Lakes Annual Conference being held May 3, 2018 through May 5, 2018 in Lake George, NY; and
BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel authorizes payment of reasonable and necessary expenses incurred in connection therewith upon audit.

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Resolution

Offered by: Councilwoman McDonough
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>

HIGHWAY SUPERINTENDENT MICHAEL SIMONE – ATTENDANCE AT 2018 CORNELL UNIVERSITY LOCAL ROADS PROGRAM HIGHWAY SCHOOL ON JUNE 3, 2018 – JUNE 5, 2018 - AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town of Carmel Highway Superintendent Michael Simone to attend the 2018 Cornell University Local Roads Program Highway School being held on June 3, 2018 through June 5, 2018 in Ithaca, NY; and

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

Resolution

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

<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>

HIGHWAY DEPARTMENT – BIDS AWARDED FOR PURCHASE OF VARIOUS HIGHWAY MATERIALS

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for various highway materials and services for the Town Highway Department, and

WHEREAS such bids were received and opened and Highway Superintendent Michael Simone has recommended the awarding of the bids (after equalizing all FOB bids based on distance to the Town Highway Department yard),

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel hereby awards the bids for the purchase of various highway materials and services to the lowest responsible bidders who met specifications at the unit prices and material types as contained in the memo of Michael Simone, dated April 6, 2018, a copy of which is on file in the office of the Town Clerk for calendar year 2018.

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>

HIGHWAY DEPARTMENT – WASTE WOOD PROCESSING SERVICES – BIDS REJECTED AND REBIDDING AUTHORIZED

WHEREAS, the Town Board of the Town of Carmel authorized the advertisement for bids for spring materials and supplies at the request of Town of Carmel Town Highway Superintendent Michael Simone;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby rejects all bids and competitive pricing submitted for the aforesaid materials and supplies with respect to waste wood processing services; and

BE IT FURTHER RESOLVED that Town Highway Superintendent Michael Simone is hereby authorized to advertise for bids for waste wood processing services for 2018; and

BE IT FURTHER RESOLVED that upon finalization and completion of bid specifications, the Town Highway Superintendent is to furnish detailed specifications for the above to the Town Clerk Ann Spofford which are to be used in conjunction with the Town's general bid conditions and specifications.

Resolution

Offered by: Councilman Schneider
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>

BOND RELEASED – CONRAD BLEY REGARDING TM# 65.12-1-22, 50 CRAFTS ROAD

WHEREAS applications have been made by Mr. Conrad Bley for the total release of a bond posted in accordance with Chapter 131 and/or Chapter 156 of the Town Code regarding the property known and designated as Town of Carmel Tax Map #65.12-1-22 located at 50 Crafts Road; and

WHEREAS said applications have been reviewed by the Planning Board and The Office of the Town Engineer, both of which have recommended the release of said bonds;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the bonds referenced herein specifically Mahopac National Bank Account # 021110476 in the amount of \$3,000.00.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Schneider & 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>

SUBMISSION OF GRANT DISBURSEMENT APPLICATION FOR NEW YORK STATE MUNICIPAL FACILITIES FOR SYCAMORE PARK TENNIS & BASKETBALL COURT RENOVATIONS - AUTHORIZED

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RESOLVED that the Town Board of the Town of Carmel hereby authorizes the submission of the Grant Disbursement Application for New York State Municipal Facilities Program Project ID # 8930 for Sycamore Park Tennis and Basketball Court Renovations, in form as on file in the Office of the Town Supervisor; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt and Director of Recreation and Parks James R. Gilchrist are hereby authorizes to execute the Grant Disbursement Application in accordance with the provisions thereof.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilman Schneider

<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 WATER DISTRICT #2 – PAYMENT TO ED KUCK EXCAVATING AUTHORIZED

RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #2, and upon the recommendation of Town Engineer Richard J. Franzetti, PE, hereby authorizes payment to Ed Kuck Excavating, Carmel, NY the sum of \$8,129.50 for services rendered in connection with repair of a water line leak Church Street and Seminary Hill Road in the Carmel Water District #2 Distribution System in accordance with the invoice dated March 23, 2018.

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>

Councilman Barile pointed out that this was not a little job but was a multi-day job.

EAST OF HUDSON WATERSHED CORPORATION (EOHWC) – PAYMENT 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 authorizes payment of the sum of \$15,024.76 to the East of Hudson Watershed Corporation (EOHWC) for operation and maintenance related to the 2017 Town of Carmel’s overall phosphorus reduction requirements, as well as in accordance with the Operations and Maintenance Policy for EOHWC previously adopted by the Carmel Town Board and the invoice from EOHWC dated November 8, 2017.

Resolution

Offered by: Councilman Schneider
Seconded by: 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>

RENAMING AND RE-DESIGNATION OF ALAN ROAD AS SPRUCETOP DRIVE

WHEREAS the Town Board of the Town of Carmel, by resolution duly passed on November 15, 2017 and amended April 4, 2018, has accepted for dedication, the traveled way within the Town of Carmel which is currently known and designated as "Alan Road";

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby renames and re-designates the traveled way currently known as "Alan Road" located in the Kirkwood Estates subdivision to hereafter be known and designated as "Sprucetop Drive", effective immediately; and

BE IT FURTHER RESOLVED, that Town Clerk Ann Spofford and Town of Carmel Highway Superintendent Michael Simone are hereby requested and/or directed to modify Town of Carmel road inventory records to reflect the road name change authorized herein by the Town Board, including but not limited to the road inventory records submitted annually to the New York State Department of Transportation.

Resolution

Offered by: Councilwoman McDonough

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>

RE-SCHEDULING OF PUBLIC HEARING – MAY 23, 2018 ON PROPOSED LOCAL LAW AMENDING CHAPTER 89 OF THE CODE OF THE TOWN OF CARMEL ENTITLED "FRESHWATER WETLANDS"

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the re-scheduling of a Public Hearing at Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday May 23, 2018 at 7:00 p.m., or as soon thereafter that evening as possible, on a proposed Local Law amending Chapter 89 of the Code of the Town of Carmel, entitled "Freshwater Wetlands"; and

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized and instructed to publish and post the necessary notices in the official newspaper of the Town and on the Town bulletin board regarding this Public Hearing.

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>

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.

OPEN FORUM - PUBLIC COMMENTS

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

OPEN FORUM – TOWN BOARD COMMENTS

Supervisor Schmitt reported that a fire hydrant was missing, after being struck, from the intersection of Hughson Rd. and Old Route Six. He asked that if anyone has any information on its whereabouts to please let the town know. He noted that although this hydrant has already been replaced, they are expensive.

Councilman Schneider suggested a ten day amnesty period for its return. The rest of the board members agreed.

Councilman Schneider announced that the Lake Mahopac Rotary Club will be holding an Arbor Day Tree Sale on Friday, April 27, 2018 at the Chamber Park in Mahopac. He also announced that the Town of Carmel Recreation and Parks Department will be holding a plant sale for Mother's Day.

Councilman Schneider reported on the Downtown Mahopac Revitalization Program. He stated that he had met with representatives from New York State Department of Transportation and their engineering firm to discuss traffic lights and pedestrian traffic and they are hopeful to have a plan within the next few months.

Councilman Lupinacci announced that the Relay for Life "Paint the Town Purple" kickoff event will be held on May 4, 2018. For more information people should contact Nicole Barile Stern or Tracey Walsh. He also mentioned that Mahopac Flower Shop and Frasier's Hardware Store are selling specialty items for the event.

Supervisor Schmitt announced that there are three vacancies on the Board of Assessment Review and several vacancies on the Recreation and Parks Advisory Committee. If anyone is interested they should submit a letter of interest and their resume to the Supervisor's Office either by mail or by e-mail by May 4, 2018.

Supervisor Schmitt also announced that there would be a Work Session and Special Voting Meeting next Wednesday to be held at the Carmel Fire Department. Additionally they will be holding an informational meeting on Carmel Water District #2 immediately following the Work Session.

Councilwoman McDonough stressed the importance of the informational meeting and explained that they are seeking information from residents of the water district to determine the extent of the problems in the district.

Supervisor Schmitt stated that they will be discussing plans for the water district and urged people to attend.

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ADJOURNMENT

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Lupinacci, with all members present and in agreement, the meeting was adjourned to the scheduled Executive Session to discuss matters of personnel and contracts at 7:40 p.m.

Respectfully submitted,

Phyllis Bourges, Deputy Town Clerk