

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 for the safe return of brothers Raymond and Jesse Ferrieri who went missing while bear hunting along the Idaho/Montana border on May 21st.

With no one present in objection, reading of the following Notice of Public Hearing as published in the Town's official newspapers was waived. Copies of the Notice were made available to the public.

PUBLIC NOTICE
NOTICE IS HEREBY
GIVEN that the Town
Board of Carmel, New
York, will conduct a
Public Hearing at the
Town of Carmel Police
Department, 100 Main
Avenue, Mahopac, New
York 10541, on Monday,
July 10, 1988 at 7:00 o'clock
or as soon thereafter that
evening as possible on
the subject of the Town
enacting Chapter 140 of
the Code of the Town of
Carmel, entitled "Towing
and Storage" as follows:
**TOWN OF CARMEL
POLICE DEPARTMENT**
**LAW # OF
THE YEAR 2015**
**ENACTING CHAPTER
140 OF THE
CODE OF THE
TOWN OF CARMEL,**
ENTITLED
**"TOWING AND
STORAGE"**
BE IT ENACTED BY
THE TOWN BOARD OF
THE TOWN OF CARMEL,
COUNTY OF PUTNAM, STATE OF NEW
YORK, that:

Section 1: PURPOSE
The purpose of this law is to establish procedures for the licensing of individuals and entities providing towing and storage services to the Town of Carmel Police Department and to establish uniform policy and procedure; and fees for towing and storage services to be provided to the Town of Carmel Police Department.

Section 2: AUTHORITY
This chapter is adopted pursuant to the authority of Article 2, § 10 of the New York State Municipal

SECTION 3: ENACTMENT OF
§ 140-1. Purpose and scope; applicability
The purposes of this chapter are to:

(1) Establish a reasonable amount for the licensing of individuals and entities providing towing and storage services to the Town of Carmel Police Department.

(2) Establish uniform policy and procedure for towing and storage services.

(3) This chapter shall apply to all motor vehicle towing and storage operations performed at the Town of Carmel Police Department.

(4) The following definitions shall apply to the meanings indicated:

AUTOMOBILE
A passenger motor vehicle or any vehicle included in the definition of "motor vehicle" under NYS VTL.

BASIC TOWING SERVICE
The removal and transportation of an automobile from a street or other public or private road or a parking lot to a towing facility and other services normally incident thereto, including the recovery of an automobile from a position beyond the reach of the tow truck from being impaled upon any other object within the right-of-way.

MOTOR VEHICLE
Includes all vehicles, including but not limited to, motor vehicles, trucks, or motorized bicycles.

TOWN OF CARMEL POLICE DEPARTMENT
A person engaged in the business of towing and storing motor vehicles or for the purpose of towing and storing motor vehicles or for the purpose of towing and storing motor vehicles or for the purpose of towing and storing motor vehicles.

TOW VEHICLE OR TOW TRUCK
Vehicles equipped with a boom or boom, winches, lifting, or other equipment, or under-reach equipment specifically designed for the removal or transport of motor vehicles, including flatbed vehicles, used for the purpose of towing, transporting, conveying, or storing motor vehicles which are unable to be operated under their own power or are inoperable to another for which a charge or fee is extracted.

§ 140-2. Application review
The Town of Carmel Clerk shall forward all complete applications for licensing of towing and storage services to the Town of Carmel Police Department for review and approval. The Town of Carmel Police Department shall have sole discretion in deciding whether to issue a license to an applicant. This chapter shall be in effect on a yearly basis.

§ 140-3. Application for license; application fee
A. Applicant for a license to tow and store shall file with the Town of Carmel Clerk a sworn application on a form to be provided by the Town of Carmel Police Department, which shall include the following information and certification:

(1) The full name and address of the applicant. If the applicant is an individual, he or she shall state the name and address of the corporation, if a corporation, it shall state the name and address of the applicant. If the applicant is a partnership, it shall state the name and address of the partnership. If the applicant is a sole proprietor, it shall state the name and address of the proprietor. If the applicant is a partnership, it shall state the name and address of the partnership. If the applicant is a sole proprietor, it shall state the name and address of the proprietor.

(2) The year, make and type of each tow vehicle and the year, make and type of each storage vehicle, its vehicle identification number, registration number, and the name and address of the owner.

(3) The address where the tow vehicle and storage vehicle shall be regularly garaged, the telephone number or other means of communication during which service is available at those numbers.

(4) The location, size and security features of the storage facility in which towed vehicles will be stored, including the name and address of the owner, the location, size and security features of the storage facility in which towed vehicles will be stored, including the name and address of the owner.

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(83) The location,

(Cont.)

to the procedures set forth in §140-6.

F. The licensees will notify the owner of any vehicle, that the licensees has towed pursuant to this chapter when said vehicle has been on the Licensees lot in excess of thirty (30) days from the time at which it was originally towed.

G. The Licensees may exercise any lien it may have on a towed vehicle pursuant to New York State Law except that.

(1) The Licensees shall release to the owner or operator of any towed vehicle, any and/or all essential (e.g. medication, eyeglasses, clothing) personal property contained within but not attached to such vehicle upon request by the owner or operator without regard to any lien, which the Licensees may have on said property pursuant to New York State Law.

H. A b a n d o n e d vehicles will be towed at no charge to the Town of Carmel, and at the tow rates pursuant to § 140-9 of this chapter to the vehicles owner.

I. The Licensees agrees to store any vehicle, which may be impounded by the Town of Carmel Police Department at no cost to the Town of Carmel, or the Town of Carmel Police Department. Storage fees may be charged for each calendar day to the owner and/or operator thereof. An impound fee will be collected by the Carmel Town Clerk. Said fee shall be established annually by resolution of the Carmel Town Board. The owner of the vehicle will pay the impound fee and receive a release from the Police Department before the car can be released. The owner of the vehicle will be instructed to bring the release to the tow operator in order to prove that the impound fee has been satisfied. This impound fee will not include vehicles that are considered abandoned.

J. During snow emergencies, Town of Carmel Police Officers may direct the removal of vehicles. Tow trucks will be dispatched and tow the vehicle(s) assigned to them by the officer at the scene. Tow operators will not tow any vehicle that was not authorized first, by the officer.

(1) The Licensees shall release to the owner or operator of any towed vehicle, any and/or all essential (e.g. medication, eyeglasses, clothing) personal property contained within but not attached to such vehicle upon request by the owner or operator without regard to any lien, which the Licensees may have on said property pursuant to New York State Law.

(2) The Licensees shall provide at least one (1) tow truck for each snow emergency, unless otherwise instructed by the officer in charge at the scene. The officer in charge at the scene will decide if more or fewer tow trucks are needed for each snow emergency.

(3) It is understood by both parties that in the event of a snow emergency, tow trucks may be tied up handling said emergencies. In this event they will respond as soon as possible.

K. Nothing in this section shall prohibit a motorist or motor vehicle owner from summoning a tow operator of his or her own choosing, except that any Town of Carmel police officer at the scene of an incident requiring towing services shall be responsible for making the final determination

as to when towing shall take place and which tow operator shall be called.

L. All vehicles towed at the request of the Town of Carmel Police Department must be removed to an approved storage facility unless the owner or operator of the vehicle specifically requests that it be towed to another destination. Any Town of Carmel police officer at the scene shall be responsible for making the final determination as to the towing destination.

M. No vehicle shall be released by the tow operator until the owner or agent of the vehicle produces a release form from the Town of Carmel Police Department. No verbal releases are to be accepted. The Town of Carmel is not responsible for any costs, compensation or damage which a tow operator may suffer by the Town of Carmel agreeing for a vehicle to be released. Vehicles may only be retrieved during the normal working hours of the tow operator.

N. Up to 20 vehicles towed at the request of the Town of Carmel Police Department must be stored together at the approved storage facility and not scattered throughout the premises.

O. No tow operator shall dispose, destroy, remove, sell or otherwise transfer any vehicle towed at the request of the Town of Carmel Police Department without first complying with all applicable laws of the State of New York and notifying the Town of Carmel Police Department of its intention to do so, in writing, at least five days prior to effectuating the same.

P. Upon request by the Town of Carmel Police Department, the tow operator shall store a motor vehicle in an inside building as defined in § 140-2 A (4). Vehicles designated by the police as being suspected of being used in criminal activity shall be stored in a separate space for the exclusive use of the Police Department and shall not be released without the written permission of the Chief of Police, Acting Chief of Police, Lieutenant or Sergeant.

Q. In addition to any requirements set forth elsewhere in this chapter, all approved towing services must provide, in writing, an employment nondiscrimination statement prior to the issuance of said approval and must agree to comply with all state and federal laws and regulations concerning wages, hours and terms of employment.

R. Employees of an approved towing service shall in no way be deemed to represent or be employed by this municipality, and all such towing services shall be responsible for the conduct of their employees.

S. All towing and storage fees shall be disclosed in an appropriate notice on the front or top page of all invoices and receipts. Additionally, adequate public posting of such fees must be made at the storage area, in easy view of the public.

§ 140-11. Fee Schedule

A. Establishment of a Fee schedule; restrictions.
(1) No person shall be liable to any tow operator who tows or stores an automobile which was damaged in an accident and recovered after being reported stolen, for any fees in excess of those fees as listed by the fee schedule, which shall be kept on file with the Chief of Police or his/her designee, as well as by the Town of Carmel Clerk. Said fee shall be

established annually by resolution of the Carmel Town Board, which shall change from time to time upon the consideration of any suggestions or recommendations of the Chief of Police according to changes to the prevailing rates for towing. Any changes in the fee schedule are hereby permitted to be done by resolution, which shall be passed by the Town of Carmel Town Board. The fee schedule shall include basic towing service fees, storage fees, and miscellaneous charges.

(2) For all towing services other than those defined as basic towing and for all vehicles other than those defined as automobiles, the tow operator shall set reasonable and customary fees for the Town of Carmel area for the towing and storage of such vehicles. The tow operator shall submit annually as part of its application or renewal thereof its fee schedule for the towing and storage of all motor vehicles other than automobiles, which shall be subject to the review and approval of the Town of Carmel Town Board.

(3) It shall be the responsibility of the tow operators to comply with all applicable Department of Insurance rules and fee regulations.

(4) Ledgers, records, impound releases and bills shall be kept for all vehicles towed and shall be available to the Town of Carmel Police Department upon request. These records will be kept for a period of three (3) years.

B. No person shall be liable to any tow operator for any other towing or storage services for any fees in excess of the Town of Carmel approved fee schedule.

i. Storage fees will be incurred after the first 24 hours have elapsed. Any additional storage charges will be calculated in 24 hour increments.

ii. No additional fees for yard services will be permitted such as a yard fee and or administrative fee.

C. When basic towing services are rendered for any automobile, there shall be no additional charges other than those provided for in Subsection A above, including but not limited to flat bedding, service call, second tow truck/ or winching, cleanup costs and additional labor.

D. Tow vehicles transporting multiple vehicles at one time may charge the applicable fee for each vehicle transported.

E. Prior to hookup or flat bedding of a motor vehicle, the Police Department may present a copy of its fee schedule to the owner or operator of the vehicle. The tow operator shall provide the name, address and telephone number of the tow company and a statement of the hours when the motor vehicle may be claimed. The Tow Company must provide the fee schedule upon request.

F. Licensees must meet the requirements of all State Laws which pertain to towing services, which are now enacted or may be enacted during the life of this contract.

G. Every tow truck shall display lettering on both sides of the vehicle that indicates the name or trade name of the towing service, the town/ village/ city and state in which the tow truck is customarily based, the business telephone number, and their DOT or ICC number. Said lettering shall contrast sharply in color with the background

and be a minimum of two (2) inches in height.

H. Contractors shall possess a tow truck having a manufacturer's G.V.W. of 10,000 lbs., with dual wheels and a four- (4) ton minimum winching capacity. "Tow truck" shall have the same meaning as Section 148-b of the New York State Vehicle and Traffic Law. Each tow truck shall have.

(1) In the absence of having a ramp truck (flatbed), "Dolly" wheels (tires with legal tread reading), snatch blocks, chains and nylon straps for towing.

(2) Broom, shovel, and a container to place debris into once it has been picked up and such other items or materials as would be needed to fulfill this contract.

(3) Each tow truck shall also carry a supply of "Speedy Dry" and/or sand, which the Contractor will place upon fluids at an accident scene, or as otherwise directed. The Contractor shall be responsible for the clean-up and removal of "Speedy Dry" and/or sand at the scene.

I. Clean up of the accident scene is the responsibility of the tow truck operator. Example, vehicle parts must be picked up and broken glass must be swept and removed from the scene and not just swept to the side of the road.

§ 140-12. Regulations and procedures

The Chief of Police shall promulgate such rules, regulations and procedures, not inconsistent with this chapter, as may be reasonable and necessary to carry out the provisions of this chapter. Copies thereof shall be provided to all licensed tow operators and shall be made available to the public, along with copies of current fee schedules, during normal business hours. Failure to comply with applicable rules, regulations and procedures may be cause for revocation of a tow operator's license.

§ 140-13. Enforcement

The Chief of Police is hereby designated to enforce the provisions of this chapter and any applicable rules and regulations.

SECTION 4: 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 5: 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 6: 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

Supervisor Schmitt opened the Public Hearing for public comment at 7:14 p.m. Approximately twenty-five (25) people were in attendance.

20 JUNE 2018
TOWN BOARD MEETING

(Cont.)

Mickey Bagnato representing Lisi's Towing Service in Brewster, New York specified that they are not currently on the Town of Carmel's towing rotation and asked if they would need to obtain a license to respond to customer requests and heavy duty towing.

Legal Counsel Gregory Folchetti explained that if the Local Law is adopted as proposed, only tow companies with offices and yards within the Town of Carmel are going to be permitted to obtain a license.

Mr. Bagnato inquired if they would still be permitted to respond to customer requests.

Mr. Folchetti clarified that the proposed Local Law applies only to Police Department calls for tow operators.

Police Chief Michael Cazzari added that the public may call a company of their choice for tow services.

Mr. Bagnato asked if they would need a license to enter the Town of Carmel to respond to a customer's request.

Chief Cazzari indicated that a license will be required only for tow operators on the Police Department's on-call towing list.

Shannon representing Hilltop Service Station stated that they are located in the Town of Putnam Valley, however, have a Mahopac mailing address. She stated that they were on the Police Department's list in the past and questioned if the proposed Local Law is adopted, would it be an issue for them.

Supervisor Schmitt confirmed that the business was not geographically located in the Town of Carmel.

Mr. Folchetti stated that the way the proposed Local Law is written, the physical yard must be within the geographical boundaries of the Town of Carmel subject to certain findings to be provided to the Town Board by the Chief of Police. Discussion regarding the location of the Hilltop Service Station ensued.

Supervisor Schmitt concluded that if the Local Law is adopted as proposed, they would not be permitted to be included on the tow roster and respond to Police Department calls because their company is not physically located within the boundaries of the Town of Carmel. However, they would be free to respond to customer requests for towing.

Police Chief Michael Cazzari stated that the requirement under section 140-5 of the proposed Law that imposes the condition requiring all tow operators to have facilities located within the boundaries of the Town of Carmel is in fact necessary for the proper regulation of the towing trade. The Police Department must have the tow yards within our area of geographical jurisdiction for the security of the impounded vehicles, to allow for regular patrol checks of the tow yard, to deter theft from the vehicles towed and to deter persons from improperly attempting to remove their impounded vehicles from the lots.

Chief Cazzari further stated that the Police Department must have enforcement powers to resolve disputes and complaints stemming from tow operations performed under the direction of the Police Department. The Town of Carmel must also have regulatory authority over the tow facilities to enforce building and safety standards for the protection of the general public and community that we serve.

With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Barile, seconded by Councilwoman McDonough, with all members of the Town Board present in agreement, the Public Hearing was closed at 7:23 p.m.

MOTION TO ADOPT FINDINGS ADOPTED - PROPOSED LOCAL LAW ENACTING CHAPTER 140 OF THE CODE OF THE TOWN OF CARMEL, ENTITLED "TOWING AND STORAGE"

Legal Counsel Folchetti suggested at this time that a member of the Town Board make a motion to adopt the findings that Chief Cazzari just put into the record regarding the limitation of vendors under Chapter 140 to having facilities within the boundaries of the Town of Carmel and that it is necessary for the proper regulation of the trade.

The motion was offered by Councilman Barile and seconded by Councilwoman McDonough. Upon a roll call vote with all members of the Town Board present voting "aye", the findings were adopted.

SEQR DETERMINATION MADE IN REGARD TO THE LOCAL LAW #3 OF 2018 TOWN CODE CHAPTER 140 ENTITLED "TOWING AND STORAGE" - TYPE II ACTION

RESOLVED that the Town Board of the Town of Carmel hereby determines that, proposed Local Law #3 of 2018 concerning the enactment of Town of Carmel Town Code Chapter 140 entitled "Towing and Storage" is a Type II action under SEQR and no further review is necessary.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Barile

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

LOCAL LAW #3 OF THE YEAR 2018 - A LOCAL LAW ENACTING CHAPTER 140 OF THE CODE OF THE TOWN OF CARMEL, ENTITLED "TOWING AND STORAGE" - ADOPTED AS NOTICED AND PUBLISHED

TOWN OF CARMEL
LOCAL LAW #3 OF THE YEAR 2018
A LOCAL LAW ENACTING CHAPTER 140 OF THE CODE OF THE
TOWN OF CARMEL, ENTITLED "TOWING AND STORAGE"

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

Section 1: PURPOSE

The purpose of this local law is to establish procedures for the licensing of individuals and entities providing towing and storage services to the Town of Carmel Police Department and to also establish uniform policy and procedures and fees for the towing and storage services to be provided to the Town of Carmel Police Department.

Section 2: AUTHORITY

This chapter is adopted pursuant to the authority, of Article 2, § 10 of the New York State Municipal Home Rule Law.

SECTION 3: ENACTMENT OF CHAPTER 140

§ 140-1. Purpose and scope; applicability

(Cont.)

- A. The purposes of this chapter are to
 - (1) Establish a requirement and procedure for the licensing of individuals and entities providing towing and storage services to the Town of Carmel Police Department.
 - (2) Establish, in the interest of public safety, a uniform policy for the towing and storage of motor vehicles towed and stored at the request of the Town of Carmel Police Department.
 - (3) Establish uniform fees for towing and storage services.
- B. This chapter shall apply to all motor vehicle towing and storage operations performed at the request of the Town of Carmel of Police Department.

§140-2. Definitions

As used in this chapter, the following terms shall have the meanings indicated.

AUTOMOBILE

A private passenger motor vehicle or any vehicle included in the definition of "automobile" under NYS VTL.

BASIC TOWING SERVICE

The removal and transportation of an automobile from a highway, street or other public or private road or a parking area or from a storage facility and other services normally incident thereto, but does not include recovery of an automobile from a position beyond the right-of-way or berm or from being impaled upon any other object within the right-of-way or berm.

MOTOR VEHICLE

Includes all vehicles propelled other than by muscular power, except such vehicles as run only upon rails or tracks or motorized bicycles.

TOWN OF CARMEL

The Town of Carmel.

TOW OPERATOR

A person engaged in the business of towing and storing motor vehicles or offering the services of a tow vehicle or tow truck and storage services.

TOW VEHICLE OR TOW TRUCK

Those vehicles equipped with a boom or booms, winches, slings, tilt beds, wheel lifts or under-reach equipment specifically designed by their manufacturer for the removal or transport of motor vehicles, including flatbed vehicles, employed for the purpose of towing, transporting, conveying and/or removing motor vehicles which are unable to be operated under their own power from one place to another for which a charge or fee is extracted.

§140-3. License required

- A. No person shall engage in the business of towing or storing motor vehicles at the direction of the Town of Carmel Police Department without first obtaining a tow operator's license therefor. Nothing herein shall require licensing for the rendering of road service or for the provision of towing and storage services within the Town of Carmel other than at the request of the Town of Carmel Police Department.
- B. The Town of Carmel Police Department is responsible for the approval and issuance of towing and service licenses. The number of licenses issued by the Town of Carmel Police Department shall be determined by the sole discretion of the Chief of Police.

(Cont.)

- C. All complete applications shall be forwarded to the Chief of Police. The Chief of Police, or his/her designee, shall have sole discretion in deciding which recipient towing companies will be awarded the licenses. This application process shall be repeated on a yearly basis.

§140-4. Application for license; application fee

- A. Applicants for a license under this chapter shall file with the Town of Carmel Clerk a sworn application on a form to be furnished by the Clerk which shall include the following information and certification.
 - (1) The full name and address of the applicant. If the application is made for a corporation, it shall state the names and addresses of the officers and directors thereof, its registered agent and the names and residential addresses of every stockholder owning more than 10% of the issued stock.
 - (2) The year, make and type of each tow vehicle used in said business, its vehicle identification number, registration number and registered owner.
 - (3) The address where the tow vehicle or vehicles shall be regularly garaged, the telephone number or numbers and the hours during which service is available at those numbers and the names, addresses and New York driver license numbers of all operators.
 - (4) The location, size and security features of the storage lot or space in which towed vehicles will be stored, including the number of spaces available. The storage lot shall be designated either as.
 - a) "Inside building" a vehicle storage facility that is completely indoors, having one or more openings in the walls for storage and removal of vehicles that are secured by a locking device on each opening; or
 - b) "Outside secured" a vehicle storage facility that is not indoors and is secured by a fence, walls or other man-made barrier that is at least six feet high. The facility is to be lighted at night so that all vehicles may be plainly visible.
 - (5) The name and address of the insurance carriers and the policy numbers of all insurance policies as required by § 140 of this chapter.
 - (6) A certification that on-call towing and storage services will be available 24 hours per day, every day of the year.
 - (7) A certification that the fees and procedures required by this chapter shall be complied with at all times.
 - (8) A statement that the Chief of Police or his/her designee may at any reasonable time conduct an inspection of the towed vehicles or storage facility of any applicant or licensee for the purpose of determining compliance with this chapter. The Town of Carmel Police Department may have a Commercial Vehicle Safety Bureau Inspector from the New York State Department of Transportation inspect any tow truck at any time throughout the licensing period.
 - (9) Such other information as the Town of Carmel Clerk or Chief of Police may reasonably prescribe.

§140-5. Application review

- A. The Town of Carmel Clerk shall forward all complete applications to the Chief of Police, who shall conduct or cause to be conducted such investigation as he deems necessary to determine the truth and accuracy of the information contained in the application and whether the applicant meets the following minimum standards.
 - (1) Neither the applicant nor any tow vehicle operator has any criminal convictions or prior motor vehicle infractions which might adversely affect public safety or welfare.

(Cont.)

- (2) The applicant must own, lease, operate and maintain a registered, working New-York-State-licensed motor vehicle repair facility within the Town of Carmel. If the applicant does not own the premises on which the motor vehicle repair facility is situated, a written lease for the use of the premises or for service from the motor vehicle repair facility must be provided.
 - (3) The applicant has the ability to respond to the scene in response to any request for assistance within 25 minutes after notification.
 - (4) The applicant can provide on-call towing services 24 hours per day, every day of the year.
 - (5) The tow trucks and equipment are in safe and sound condition and in compliance with all applicable laws, rules and regulations. All applicants must meet minimum standards of operator performance, including but not limited to standards concerning the adequacy of the applicant's equipment and storage facilities and availability.
 - (6) The applicant owns or has a valid lease to a storage facility within the Town of Carmel, in an area legally zoned for such use, and such storage facility shall have a minimum capacity of 20 passenger automobiles and will be either an inside building or outside secured facility as defined in § 140-2 A (4) above for storage of all vehicles towed or impounded.
 - (7) The applicant is in compliance with and/or has the ability to comply with all other requirements and standards set forth herein.
 - (8) Storage facility must meet local zoning requirements.
- B. In addition to the minimum standards of performance referred to in the preceding subsection, all applicants are subject to disqualification if found deficient in any one of the following areas.
- (1) The applicant provided false or inaccurate information on the application form.
 - (2) The applicant lacks experience and/or does not have good references from prior customers of the applicant's towing and storage services.
- C. The Chief of Police shall endorse his/her approval or disapproval of the application within 30 days of receipt by him. If the application is disapproved, the reasons therefor shall be set forth in writing. The Town of Carmel Clerk shall notify the applicant in writing that the application has been granted or denied. If the application is denied, the reasons for such denial shall be set forth in the notice, along with the applicant's right to appeal the denial to the Town of Carmel Town Board pursuant to § 140-6.

§ 140-6. Issuance of license; renewal; display; transferability

- A. A tow operator's license shall be issued by the Town of Carmel Clerk to an approved applicant upon provision of insurance certification pursuant to § 140-7 and approval by the Chief of Police. The Town of Carmel Clerk shall send a copy of the license to the Police Department for filing and shall keep a permanent record of all licenses issued.
- B. All licenses issued under this chapter shall expire at the end of the calendar year in which issued. Applications for renewal, certifying any changes to the original application or certifying no change, shall be filed with the Clerk at least 30 days before expiration on forms provided by the Clerk. Renewal applications will be forwarded to the Chief of Police for review and any necessary investigation in accordance with the procedures and standards set forth in § 140-3. If approved, a renewal license shall be issued upon submittal of required insurance certifications.
- C. All licenses issued under this chapter, or certified copies thereof, shall be displayed prominently on all tow vehicles and at the tow operator's principal place of business.
- D. All licenses issued under this chapter are nontransferable.

(Cont.)

§ 140-7. Revocation and suspension

- A. Licenses issued under this chapter may be revoked by the Chief of Police after reasonable notice and hearing for any of the following reasons.
- (1) False or materially inaccurate information in the application or a change of circumstances which would have caused disapproval of the application if existing at the time of approval.
 - (2) Failure to comply with any of the requirements of this chapter, any additional regulations promulgated by the Chief of Police or any state, federal or local law relating to motor vehicle operation or storage.
 - (3) Unsatisfactory service which jeopardizes public safety. More than three unexcused failures to respond and/or valid complaints (as determined by the Chief of Police after investigation) within a twelve-month period shall be considered grounds for suspension and/or revocation.
 - (4) For certain violations, the Department may elect to impose penalties.
Below is a listing of violations and associated penalties.

Violation Description	First Violation	Second Violation	Third Violation
Late response to call	A	B	C
Refusing to accept a credit card during normal business hours	A	C	D
Refusing service	A	C	D
Failure to clean up debris	A	B	C
Cruising	A	B	C
Towing out of rotation	A	B	C
Failure to respond to requests for information	A	B	C
Use of improper/incomplete rate sheet	B	C	D
Failure to maintain insurance	B	C	D
Failure to respond to call	B	C	D
Lack of 24 hour availability	B	C	D
Refusing to release a vehicle	B	C	D
Refusing to release property in a vehicle	B	C	D
Refusing to tow vehicle where customer directs	B	C	D
Unsafe practices	B	C	D
Overcharge	B	C	D
Refusing to follow police directives	B	C	D
Inspection fraud	C	D	-
Assault	D	-	-

- A = Letter of Reprimand
B = One Month Suspension from List
C = Six Week Suspension from List
D = Removal and One Year Ban From List

- (5) The Chief of Police shall promulgate such rules, regulations and procedures, not inconsistent with this code, as may be reasonable and necessary to carry out the provisions of this code. Such changes to this code may be made at any time by the Police Department at their discretion and will require the tow operator to sign a written acknowledgement notification of the change. The Police Department will accept requests for rule changes from the tow operators and the public. All requests must be made in writing. The Chief of Police or designee will respond, in writing to each request. Failure to comply with applicable rules, regulations and procedures may be cause for suspension and or removal from the tow roster.

(Cont.)

- B. Notice of suspension and/or revocation shall be in writing and shall include the reasons therefor and notice of the licensee's right to appeal to the Town of Carmel Town Board pursuant to § 140-6.

§ 140-8. Appeals

- A. Any person aggrieved by the action of the Chief of Police or the Town of Carmel Clerk in the denial of an application for a license or in revocation thereof or in the suspension from the Town of Carmel's on-call towing list may appeal to the Town of Carmel Town Board by filing with the Clerk, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written request for a hearing, setting forth fully the grounds for the appeal. The Town Board will set a time and place for a hearing on such appeal, and notice shall be served on or mailed to the applicant or licensee at least five days prior to the hearing. The Town Board's determination shall be made by resolution and shall become effective immediately.

§140-9. Insurance requirements

- A. Every licensee shall carry insurance as follows.
 - (1) Comprehensive General Liability Insurance, including completed operations coverage, personal injury liability coverage, broad form property damage liability coverage and contractual liability coverage insuring the agreements contained herein. The minimum limits of liability carried on such insurance shall be one million dollars (\$1,000,000) each occurrence.
 - (2) Workers' Compensation insurance with statutory coverage including employer's liability insurance with limits of liability of at least one hundred thousand dollars (\$100,000) each employee.
 - (3) Automobile liability insurance for owned, non-owned and hired vehicles. The minimum limit of liability carried on such insurance shall be one million dollars (\$1,000,000) per person and one million dollars (\$1,000,000) per incident or each accident.
 - (4) Insurance companies utilized must be admitted to do business in New York and shall have a rating of (A) or better.
 - (5) Contractor agrees to furnish certificate(s) of the aforementioned insurance to the Town of Carmel upon execution of this agreement and, with respect to the renewals of the current insurance policies, at least thirty days in advance of each renewal date. Such certificate(s) shall, with respect to comprehensive general liability and auto liability insurance, name the Town of Carmel and the Town of Carmel Police Department as an additional insured and, with respect to all policies shall state that in the event of cancellation or material change, written notice shall be given to the Town of Carmel Police Department, 60 McAlpin Ave., Mahopac, NY 10541 at least (30) days in advance of such cancellation or change.
 - (6) The purchase of the insurance required or the furnishing of the aforesaid certificate(s) shall not be a satisfaction of Contractor's indemnification responsibilities to the Town of Carmel and the Town of Carmel Police Department.
- B. All licensees shall hold harmless and indemnify the Town of Carmel, its officers, employees and agents from any and all liability claims, losses or damage arising or alleged to arise from the performance of the towing services requested of or rendered by the licensee. The foregoing indemnification language shall be incorporated in the general comprehensive liability policy required.
- C. All insurance policies shall be written by insurance companies acceptable to the Town of Carmel and authorized to do business in the State of New York.

(Cont.)

- D. Any license issued under this chapter will be automatically revoked upon expiration or cancellation of the required insurance or material change in coverage which renders that coverage not in compliance with the aforementioned insurance requirements.

§ 140-10 On-call towing list.

- A. The Chief of Police shall maintain a list of those tow operators licensed by the Town of Carmel to respond to calls from the Town of Carmel Police Department. In order to be included on the on-call towing list, an applicant must meet all of the requirements of this chapter and shall enter into an agreement with the Town of Carmel for a term of one year, said agreement to be prepared by the Town of Carmel Attorney.
- B. Calls to tow operators on the on-call list shall be made on a nondiscriminatory rotating basis, pursuant to procedures established by the Chief of Police. Nothing herein shall prohibit the Chief of Police or his designee from calling a tow operator out of sequence or seeking the services of a tow operator not on the on-call list if the circumstances require specialized equipment or if the interests of public safety so require. If the tow operator selected does not respond to the scene within the 25 minutes after notification, the Chief of Police or his/her designee shall be permitted to summon the next available tow operator. When any unusual situation occurs which may be dangerous to the safety of the public, such as a spill of toxic material or other dangerous cargo, the Town of Carmel Police Department may select any qualified tow operator.
- C. The Town of Carmel Police Department reserves the right to call any tow service designated by the owner of a vehicle involved in an accident, or designated by the owner of a disabled vehicle.
- D. The fees to be charged for the towing and storage services of automobiles shall be as set forth in § 140-9. The Town of Carmel shall not be liable for the cost of any towing and/or storage services unless those services are performed on a municipal vehicle.
 - (1) Tow operators must accept cash payment and at least two major credit cards with at least one being a bank credit card. The only exceptions are that tow operators may charge cash only for impounds or abandoned vehicles with plates removed at their discretion. The tow operator must maintain an interbank charge card in its own name, in the form of a Merchant's Account with a qualified financial institution. Patrons will be given a reasonable amount of time to obtain cash/credit card during off hours prior to the vehicle being retained at the tow operator's location. Tow operators must be able to take credit card payment roadside. Questions as to what is reasonable, if there is a dispute, will be determined by the on-duty Police Supervisor. If the tow operator disagrees with the decision, they must still accept the decision at the time and submit the dispute in writing to the Chief of Police, within 72 hours of the incident.
- E. Inclusion on the on-call towing list shall be automatically revoked upon expiration or revocation of the tow operator's license. The Chief of Police may also suspend a licensed tow operator's inclusion on the on-call towing list for such period of time as he considers appropriate for violations of this chapter, after a hearing on such violations. Suspensions may be appealed pursuant to the procedures set forth in §140-6.
- F. The licensees will notify the owner of any vehicle, that the licensees has towed pursuant to this chapter when said vehicle has been on the Licensees lot in excess of thirty (30) days from the time at which it was originally towed.
- G. The Licensees may exercise any lien it may have on a towed vehicle pursuant to New York State Law except that.

(Cont.)

- (1) The Licensees shall release to the owner or operator of any towed vehicle, any and/or all essential (e.g. medication, eyeglasses, clothing) personal property contained within but not attached to such vehicle upon request by the owner or operator without regard to any lien, which the Licensees may have on said property pursuant to New York State Law.
- H. Abandoned vehicles will be towed at no charge to the Town of Carmel, and at the tow rates pursuant to § 140-9 of this chapter to the vehicles owner.
- I. The Licensees agrees to store any vehicle, which may be impounded by the Town of Carmel Police Department at no cost to the Town of Carmel, or the Town of Carmel Police Department. Storage fees may be charged for each calendar day to the owner and/or operator thereof. An impound fee will be collected by the Carmel Town Clerk. Said fee shall be established annually by resolution of the Carmel Town Board. The owner of the vehicle will pay the impound fee and receive a release from the Police Department before the car can be released. The owner of the vehicle will be instructed to bring the release to the tow operator in order to prove that the impound fee has been satisfied. This impound fee will not include vehicles that are considered abandoned.
- J. During snow emergencies, Town of Carmel Police Officers may direct the removal of vehicles. Tow trucks will be dispatched and tow the vehicle(s) assigned to them by the officer at the scene. Tow operators will not tow any vehicle that was not authorized first, by the officer.
 - (1) The Licensees shall release to the owner or operator of any towed vehicle, any and/or all essential (e.g. medication, eyeglasses, clothing) personal property contained within but not attached to such vehicle upon request by the owner or operator without regard to any lien, which the Licensees may have on said property pursuant to New York State Law.
 - (2) The Licensees shall provide at least one (1) tow truck for each snow emergency, unless otherwise instructed by the officer in charge at the scene. The officer in charge at the scene will decide if more or fewer tow trucks are needed for each snow emergency.
 - (3) It is understood by both parties that in the event of a snow emergency, tow trucks may be tied up handling said emergencies. In this event they will respond as soon as possible.
- K. Nothing in this section shall prohibit a motorist or motor vehicle owner from summoning a tow operator of his or her own choosing, except that any Town of Carmel police officer at the scene of an incident requiring towing services shall be responsible for making the final determination as to when towing shall take place and which tow operator shall be called.
- L. All vehicles towed at the request of the Town of Carmel Police Department must be removed to an approved storage facility unless the owner or operator of the vehicle specifically requests that it be towed to another destination. Any Town of Carmel police officer at the scene shall be responsible for making the final determination as to the towing destination.
- M. No vehicle shall be released by the tow operator until the owner or agent of the vehicle produces a release form from the Town of Carmel Police Department. No verbal releases are to be accepted. The Town of Carmel is not responsible for any costs, compensation or damage which a tow operator may suffer by the Town of Carmel agreeing for a vehicle to be released. Vehicles may only be retrieved during the normal working hours of the tow operator.

(Cont.)

- N. Up to 20 vehicles towed at the request of the Town of Carmel Police Department must be stored together at the approved storage facility and not scattered throughout the premises.
- O. No tow operator shall dispose, destroy, remove, sell or otherwise transfer any vehicle towed at the request of the Town of Carmel Police Department without first complying with all applicable laws of the State of New York and notifying the Town of Carmel Police Department of its intention to do so, in writing, at least five days prior to effectuating the same.
- P. Upon request by the Town of Carmel Police Department, the tow operator shall store a motor vehicle in an inside building as defined in § 140-2 A (4). Vehicles designated by the police as being suspected of being used in criminal activity shall be stored in a separate space for the exclusive use of the Police Department and shall not be released without the written permission of the Chief of Police, Acting Chief of Police, Lieutenant or Sergeant.
- Q. In addition to any requirements set forth elsewhere in this chapter, all approved towing services must provide, in writing, an employment nondiscrimination statement prior to the issuance of said approval and must agree to comply with all state and federal laws and regulations concerning wages, hours and terms of employment.
- R. Employees of an approved towing service shall in no way be deemed to represent or be employed by this municipality, and all such towing services shall be responsible for the conduct of their employees.
- S. All towing and storage fees shall be disclosed in an appropriate notice on the front or top page of all invoices and receipts. Additionally, adequate public posting of such fees must be made at the storage area, in easy view of the public.

§ 140-11. Fee Schedule

- A. Establishment of a Fee schedule; restrictions.
 - (1) No person shall be liable to any tow operator who tows or stores an automobile which was damaged in an accident and recovered after being reported stolen, for any fees in excess of those fees as listed by the fee schedule, which shall be kept on file with the Chief of Police or his/her designee, as well as by the Town of Carmel Clerk. Said fee shall be established annually by resolution of the Carmel Town Board, which shall change from time to time upon the consideration of any suggestions or recommendations of the Chief of Police according to changes to the prevailing rates for towing. Any changes in the fee schedule are hereby permitted to be done by resolution, which shall be passed by the Town of Carmel Town Board. The fee schedule shall include basic towing service fees, storage fees, and miscellaneous charges.
 - (2) For all towing services other than those defined as basic towing and for all vehicles other than those defined as automobiles, the tow operator shall set reasonable and customary fees for the Town of Carmel area for the towing and storage of such vehicles. The tow operator shall submit annually as part of its application or renewal thereof its fee schedule for the towing and storage of all motor vehicles other than automobiles, which shall be subject to the review and approval of the Town of Carmel Town Board.
 - (3) It shall be the responsibility of the tow operators to comply with all applicable Department of Insurance rules and fee regulations.

(Cont.)

- (4) Ledgers, records, impound releases and bills shall be kept for all vehicles towed and shall be available to the Town of Carmel Police Department upon request. These records will be kept for a period of three (3) years.
- B. No person shall be liable to any tow operator for any other towing or storage services for any fees in excess of the Town of Carmel approved fee schedule.
 - i. Storage fees will be incurred after the first 24 hours have elapsed. Any additional storage charges will be calculated in 24 hour increments.
 - ii. No additional fees for yard services will be permitted such as a yard fee and or administrative fee.
- C. When basic towing services are rendered for any automobile, there shall be no additional charges other than those provided for in Subsection **A** above, including but not limited to flat bedding, service call, second tow truck/ or winching, cleanup costs and additional labor.
- D. Tow vehicles transporting multiple vehicles at one time may charge the applicable fee for each vehicle transported.
- E. Prior to hookup or flat bedding of a motor vehicle, the Police Department may present a copy of its fee schedule to the owner or operator of the vehicle. The tow operator shall provide the name, address and telephone number of the tow company and a statement of the hours when the motor vehicle may be claimed. The Tow Company must provide the fee schedule upon request.
- F. Licensees must meet the requirements of all State Laws which pertain to towing services, which are now enacted or may be enacted during the life of this contract.
- G. Every tow truck shall display lettering on both sides of the vehicle that indicates the name or trade name of the towing service, the town/village/city and state in which the tow truck is customarily based, the business telephone number, and their DOT or ICC number. Said lettering shall contrast sharply in color with the background and be a minimum of two (2) inches in height.
- H. Contractors shall possess a tow truck having a manufacturer's G.V.W. of 10,000 lbs., with dual wheels and a four- (4) ton minimum winching capacity. "Tow truck" shall have the same meaning as Section 148-b of the New York State Vehicle and Traffic Law. Each tow truck shall have.
 - (1) In the absence of having a ramp truck (flatbed), "Dolly" wheels (tires with legal tread reading), snatch blocks, chains and nylon straps for towing.
 - (2) Broom, shovel, and a container to place debris into once it has been picked up and such other items or materials as would be needed to fulfill this contract.
 - (3) Each tow truck shall also carry a supply of "Speedy Dry" and/or sand, which the Contractor will place upon fluids at an accident scene, or as otherwise directed. The Contractor shall be responsible for the clean-up and removal of "Speedy Dry" and/or sand at the scene.
- I. Clean up of the accident scene is the responsibility of the tow truck operator. Example, vehicle parts must be picked up and broken glass must be swept and removed from the scene and not just swept to the side of the road.

(Cont.)

§ 140-12. Regulations and procedures

The Chief of Police shall promulgate such rules, regulations and procedures, not inconsistent with this chapter, as may be reasonable and necessary to carry out the provisions of this chapter. Copies thereof shall be provided to all licensed tow operators and shall be made available to the public, along with copies of current fee schedules, during normal business hours. Failure to comply with applicable rules, regulations and procedures may be cause for revocation of a tow operator's license.

§ 140-13. Enforcement

The Chief of Police is hereby designated to enforce the provisions of this chapter and any applicable rules and regulations.

SECTION 4: 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 5: 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 6: 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: Councilwoman McDonough
Seconded by: Councilman Barile

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

PUBLIC HEARING RESCHEDULED TO 8/15/2018 - 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 Mc Alpin Avenue, Mahopac, New York 10541 from Wednesday, June 20, 2018 to Wednesday August 15, 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 newspapers of the Town and on the Town bulletin board regarding this Public Hearing.

(Cont.)

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Barile

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

**POLICE DEPARTMENT - PROBATIONARY APPOINTMENT OF POLICE OFFICER
MADE - KEVIN ANDERSON - EFFECTIVE 6/20/18**

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Town of Carmel Police Department, hereby appoints Kevin Anderson to the position of Police Officer in the Town of Carmel Police Department, effective June 20, 2018, at a transfer rate \$60,156, on a probationary basis subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: Councilman Barile
Seconded by: Councilwoman McDonough and 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> </u>	Absent
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

Supervisor Schmitt welcomed Kevin Anderson from the City of Beacon Police Department and administered his oath of office. The Town Board members expressed congratulatory wishes.

**POLICE DEPARTMENT - PROBATIONARY APPOINTMENT OF POLICE OFFICER
MADE - BENJAMIN PEARSON - EFFECTIVE 6/20/18**

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Town of Carmel Police Department, hereby appoints Benjamin Pearson to the position of Police Officer in the Town of Carmel Police Department, effective June 20, 2018, at a transfer rate of \$52,635, on a probationary basis subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: Councilwoman McDonough
Seconded by: 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> </u>	<u> </u>	Absent
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

Supervisor Schmitt welcomed Benjamin Pearson from the SUNY New Paltz University Police Department and administered his oath of office. The Town Board members expressed congratulatory wishes.

ACCESS DRIVE TO TOWN HALL AND POLICE FACILITY DEDICATED AND NAMED “P.O. GARY PIETROPAOLO WAY”

Resolved that the Town Board of the Town of Carmel, in memory of and in honor of Police Officer Gary Pietropaolo, hereby authorizes and declares that the street access to Town of Carmel Town Hall and Police Facility from Croton Falls Road be named and hereafter known and designed as “P.O. Gary Pietropaolo Way”.

Resolution

Offered by: Supervisor Schmitt
Seconded by: Councilwoman McDonough and Councilman Barile

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

Supervisor Schmitt explained that Police Officer Gary Pietropaolo was tragically killed in an off-duty motor vehicle accident recently. Supervisor Schmitt spoke regarding Police Officer Pietropaolo’s exemplary performance in the Carmel Police Department and how the entire community has suffered a tremendous loss. Supervisor Schmitt stated that a formal public dedication ceremony of the two signs to be erected in honor of Police Officer Pietropaolo will be held in the future.

Lieutenant John Dearman commented on the detrimental impact that the sudden loss of Police Officer Pietropaolo has had on the Carmel Police Department and resolved that he will not be forgotten.

MINUTES OF TOWN BOARD MEETING HELD ON 5/16/18 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Barile, seconded by Councilwoman McDonough, with all members of the Town Board present voting “aye”, the minutes of the Town Board meeting held on May 16th 2018 were accepted as submitted by the Town Clerk.

OFFICE OF THE RECEIVER OF TAXES - JOB CLASSIFICATION OF ACCOUNT CLERK 2 CREATED AND APPOINTMENT MADE - ANTOINETTE PESAVENTO

RESOLVED that the Town Board of the Town of Carmel hereby creates the job classification of Account Clerk 2 in the Office of the Town of Carmel Receiver of Taxes and appoints Antoinette Pesavento to said position, commencing immediately at a CSEA Group 4 Step 2 salary level on a probationary basis and subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: Councilman Barile
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> </u>	<u> </u>	Absent
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

Supervisor Schmitt acknowledged Antoinette Pesavento for her years of dedicated service with the Town and for her well-deserved appointment.

20 JUNE 2018
TOWN BOARD MEETING

**FACILITIES ELECTRICITY SUPPLY BID AND CONTRACT AWARDED -
AGGRESSIVE ENERGY AND STREETLIGHTS ELECTRICITY SUPPLY BID AND
CONTRACT AWARDED - PLYMOUTH ROCK ENERGY**

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town Comptroller MaryAnn Maxwell, hereby awards the bid and contract for supply of electricity to Town of Carmel Facilities for the period commencing November 1, 2018 through October 31, 2021 to Aggressive Energy, Brooklyn, NY under Putnam County Bid No. RFB-17-18 at a cost not to exceed \$.06091 per kilowatt hour; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Carmel, upon the recommendation of Town Comptroller MaryAnn Maxwell, hereby awards the bid and contract for supply of electricity to Town of Carmel streetlights to Plymouth Rock Energy, Woodmere, NY under Putnam County Bid No. RFB-17-18 for the period commencing November 1, 2018 through October 31, 2021 at a cost not to exceed \$.04838 per kilowatt hour; and

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.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Barile

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

**DONATION ACCEPTED AND INSTALLATION OF PICNIC AREA AT MAHOPAC
CHAMBER PARK AUTHORIZED - FRIENDS OF RECOVERY PUTNAM**

RESOLVED that the Town Board of the Town of Carmel, hereby authorizes the installation and placement of picnic table and plaque containing the “Serenity Prayer” by Friends of Recovery Putnam in accordance with the memorandum and plans submitted by Director of Recreation and Parks James R. Gilchrist dated June 7, 2018; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Carmel hereby authorizes and consents to the dedication of this area in the memory of Nicholas Privitera; and

BE IT FURTHER RESOLVED, that upon presentation of insurance certificates for all vendors and contractors proposed to perform improvements in connection with this authorization in form acceptable to Town Counsel, the aforesaid work may be commenced.

Resolution

Offered by: Supervisor Schmitt
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> </u>	<u> </u>	Absent
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

ADVERTISEMENT FOR BIDS AUTHORIZED - CONVERSION OF TENNIS COURTS TO BASKETBALL COURTS AT SYCAMORE PARK

RESOLVED that, pursuant to the request of Town Engineer Richard J. Franzetti, P.E., the Town Board hereby authorizes Town Clerk Ann Spofford to advertise for bids in connection with the conversion of Tennis Courts To Basketball Courts at Sycamore Park in the Town of Carmel; and

BE IT FURTHER RESOLVED that the detailed specifications are to be furnished for the above to Town Clerk Ann Spofford to be used in conjunction with the Town's general bid conditions and specifications.

Resolution

Offered by: Councilman Barile
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> </u>	<u> </u>	Absent
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

PARTICIPATION IN NYSEG LED STREET LIGHTING PROGRAM - AUTHORIZED

RESOLVED, that the Town Board of the Town of Carmel, acting as the Commissioners of the various Lighting Districts within the Town of Carmel, and upon the recommendation of Town Engineer Richard J. Franzetti, P.E. hereby authorizes entry in to the LED Street Lighting Replacement Program with New York State Electric and Gas Company for the conversion of existing cobra head streetlights in various Town Lighting Districts at a cost not to exceed \$41,977.24; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to 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.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Barile

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

CARMEL WATER DISTRICT #8 - PAYMENT FOR EMERGENCY REPAIRS OF THE CREST ROAD BOOSTER STATION PUMPS AUTHORIZED - BEE & JAY PLUMBING - \$9,634.00

RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #8, upon the recommendation of Town Engineer Richard J. Franzetti, hereby authorizes payment to Bee & Jay Plumbing, Mahopac, NY the sum of \$9,634.00 for goods and services rendered in connection with replacement/repair of the Crest Road Booster Station Pumps within Carmel Water District #8, all in accordance with the invoice dated May 25, 2018.

(Cont.)

Resolution
Offered by: Supervisor Schmitt
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> </u>	<u> </u>	Absent
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

CARMEL WATER DISTRICT #2 - PURCHASE AND INSTALLATION OF FILTER BAG REPLACEMENT AUTHORIZED - TREATMENT SPECIALTIES - NOT TO EXCEED \$20,440.00

RESOLVED THAT the Town Board of the Town of Carmel, as Commissioners of Carmel Water District #2, and upon the recommendation of Town Engineer Richard J. Franzetti, P.E. hereby authorizes the purchase of replacement and installation of filter bags for the Carmel Water District #2 Water Treatment Plant from Treatment Specialties, Ramsey New Jersey, as a sole source provider and at cost not to exceed \$20,440.00 in accordance with the proposal dated May 14, 2018.

Resolution
Offered by: Councilman Barile
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> </u>	<u> </u>	Absent
John Lupinacci	<u> </u>	<u> </u>	Absent
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.

PUBLIC COMMENTS - OPEN FORUM

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

TOWN BOARD MEMBER COMMENTS - OPEN FORUM

Councilwoman McDonough announced the schedule of the 2018 Town of Carmel Recreation and Parks Department Sunset Concert series to be held at 7:00 p.m. on Thursday evenings at the Mahopac Chamber Park commencing June 21, 2018 with the band Chatterbox 5.

MOTION TO EXERCISE OPTION TO TERMINATE AGREEMENT WITH JOHN E. FOLCHETTI, P.E. OF J. ROBERT FOLCHETTI & ASSOCIATES, LLC FOR CONSULTING ENGINEERING SERVICES - FAILED

Councilman Barile offered a motion to exercise the thirty day opt-out clause in the agreement with the Town of Carmel consulting engineer. The motion was seconded by Supervisor Schmitt for a vote.

Councilwoman McDonough commented that the entire Town Board should be present to consider such an important matter.

Supervisor Schmitt called for a roll call vote on the motion which resulted in the following.

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

Supervisor Schmitt indicated that the motion did not carry because it did not receive three affirmative votes of the Town Board members.

TOWN BOARD MEMBER COMMENTS - OPEN FORUM

Supervisor Schmitt expressed congratulations to all of the graduating Mahopac and Carmel High School seniors as well as the eighth graders who are celebrating moving up to high school.

At the request of the Lake Mahopac Rotary Club, Supervisor Schmitt reported on the dangers of the giant hogweed, a tall, invasive plant whose sap can cause burns, scarring, and possibly blindness.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Barile, with all Town Board members present in agreement, the meeting was adjourned at 8:03 p.m.

Respectfully submitted,

Ann Spofford, Town Clerk